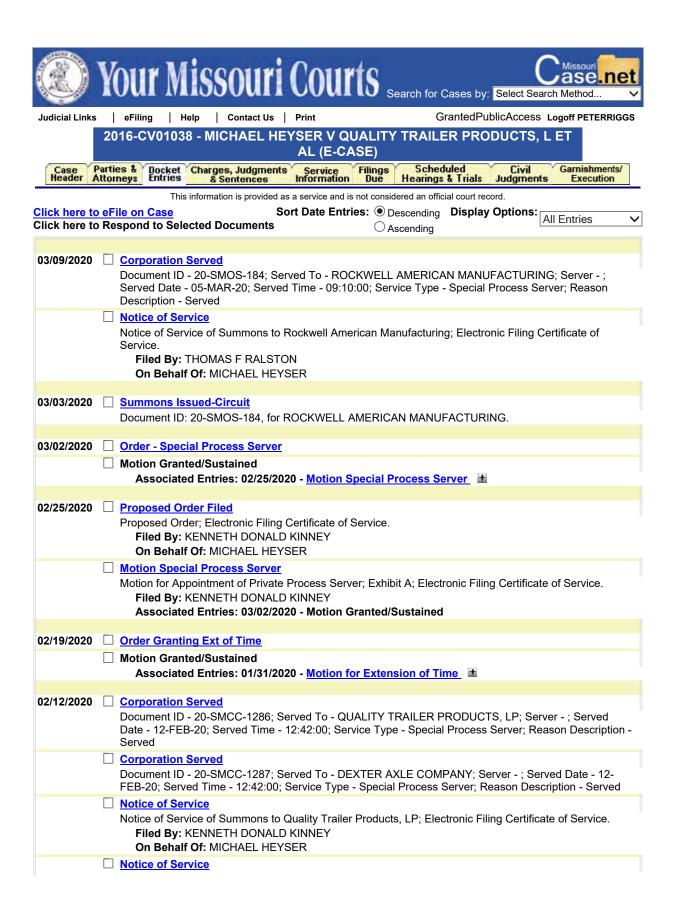
Case.net: 2016-CV01038 - Docket Entries Page 1 of 3



Page 2 of 3 Case.net: 2016-CV01038 - Docket Entries

		Notice of Service of Summons to Dexter Axle Company; Electronic Filing Certificate of Service. Filed By: KENNETH DONALD KINNEY
02/11/2020		Summons Issued-Circuit Document ID: 20-SMCC-1287, for DEXTER AXLE COMPANY.
		Summons Issued-Circuit Document ID: 20-SMCC-1286, for QUALITY TRAILER PRODUCTS, LP.
		Order - Special Process Server
02/10/2020		Proposed Order Filed Proposed Order; Electronic Filing Certificate of Service. Filed By: KENNETH DONALD KINNEY On Behalf Of: MICHAEL HEYSER
		Motion Special Process Server
		Motion for Appointment of Private Process Server; Electronic Filing Certificate of Service. Filed By: KENNETH DONALD KINNEY
01/31/2020		Dunascad Ouder Filed
01/31/2020	ш	Proposed Order Filed Proposed Order Granting Motion
		Filed By: KENNETH DONALD KINNEY
	П	Motion for Extension of Time
		Plaintiffs Motion for Extension of Time to Serve Summonses; Electronic Filing Certificate of Service.
		Filed By: KENNETH DONALD KINNEY
		On Behalf Of: MICHAEL HEYSER
		Associated Entries: 02/19/2020 - Motion Granted/Sustained
		Amended Motion/Petition Filed
		First Amended Petition; Exhibit A; Exhibit B; Exhibit C; Exhibit D; Exhibit E; Exhibit F; Electronic Filing
		Certificate of Service.
		On Behalf Of: MICHAEL HEYSER
01/14/2020		Entry of Appearance Filed
01/14/2020	ш	Entry of Appearance; Electronic Filing Certificate of Service.
		Filed By: KENNETH DONALD KINNEY
		Summons Issued-Circuit
		Document ID: 20-SMCC-343, for DEXTER AXLE COMPANY.
	П	Summons Issued-Circuit
		Document ID: 20-SMOS-31, for ROCKWELL AMERICAN MANUFACTURING.
		Order - Special Process Server
		Summons Issued-Circuit
	_	Document ID: 20-SMCC-342, for QUALITY TRAILER PRODUCTS, LP.
		Case Mgmt Conf Scheduled
		Scheduled For: 05/04/2020; 9:00 AM; JENNIFER PHILLIPS; Jackson - Independence
		Judge Assigned
01/11/2020		Filing Info Sheet eFiling Filed By: THOMAS F RALSTON
		Proposed Order Filed
		Proposed Order - Special Process Server.
		Filed By: THOMAS F RALSTON
		On Behalf Of: MICHAEL HEYSER
		Motion Special Process Server
		Motion for Special Process Server.
		Filed By: THOMAS F RALSTON
		<u>Designation of Lead Attorney</u>

EXHIBIT A Page 3 of 89

Case.net: 2016-CV01038 - Docket Entries Page 3 of 3

Designation of Lead Counsel.

Filed By: THOMAS F RALSTON

Pet Filed in Circuit Ct

Petition; Exhibit A; Exhibit C; Exhibit D; Exhibit E.

Case.net Version 5.14.0.17 Return to Top of Page Released 11/25/2019

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)	
	Plaintiff)	Case No.
vs.)	
)	Division
QUALITY TRAILER PR	ODUCTS, LP, ET AL.)	
)	Judge
	Defendants)	C

DESIGNATION OF LEAD COUNSEL FOR PLAINTIFF

Pursuant to Local Rule 3.5, Thomas F. Ralston of the law firm Ralston Kinney, LLC is hereby designated lead attorney of record for Plaintiff.

Respectfully Submitted,

RALSTON KINNEY, LLC

/s/ Thomas F. Ralston

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

Tel: (816) 298-0086 Fax: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)	
	Plaintiff)	Case No
vs.)	
)	Division
QUALITY TRAILER P	RODUCTS, LP, ET AL.)	
)	Judge
	Defendants)	C

MOTION FOR SPECIAL PROCESS SERVER

COMES NOW Plaintiff, by and through counsel, and pursuant to Local Rule 4.9 and Supreme Court Rules 54.13, hereby moves the Court for its Order appointing Tom Tippit, PPS20-0528, as private process server to serve Defendant in this case. Mr. Tippit is over the age of 18, is not a party to this action, currently appears on the Court's "Private Process Server Approval List" and has been prequalified to serve process for cases pending in the Sixteenth Judicial Circuit.

Respectfully Submitted,

RALSTON KINNEY, LLC

/s/ Thomas F. Ralston

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

Tel: (816) 298-0086 Fax: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER

Date

	ı idiniijj	,	Case No.
VS.)	
)	Division
QUALITY TRAILER PROD	OUCTS, LP, ET AL.)	T 1
	D.C. I.)	Judge
	Defendants)	
ORDER A	APPOINTING SPE	CIAL PI	ROCESS SERVER
<u>ORDER 1</u>	HI OH (III (G SI E		KOCESS SERVER
It is hereby ordered t	hat Plaintiff's Motion	n for App	pointment of Private Process Server is
sustained and Tom Tippit ((PPS20-0528) is her	eby appo	ointed to serve process in the above
captioned matter.			

JUDGE OR CLERK OF THE COURT

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICAHAEL HEYSER)
Plaintiff)
vs.) Case No.
QUALITY TRAILER PRODUCTS, LP)) Division
Serve Registered Agent:)
CT Corporation System) Judge
120 S. Central Ave.)
Clayton, MO 63105) <u>JURY TRIAL DEMANDED</u>
ROCKWELL AMERICAN MANUFACTURING)
Serve at Principal Place of Business:)
604 W. Main St.)
Azle, TX 76020	
DEXTER AXLE COMPANY)
Serve Registered Agent:)
The Corporation Company)
120 S. Central Ave.)
Clayton, MO 63105	,)
Defendants	,)

PETITION

Plaintiff Michael Heyser, pursuant to Supreme Court Rule 53.01, Rule 55, and R.S.Mo. \$ 213.111 hereby alleges the following in support of his claims for relief:

INTRODUCTION

- 1. In violation of the Missouri Human Rights Act, defendants Quality Trailer Products, LP ("Quality"), Rockwell American Manufacturing ("Rockwell"), Dexter Axle Company ("Dexter") (collectively referred to as "Defendants") subjected Plaintiff to disability discrimination and retaliation in violation of the Missouri Human Rights Act, R.S.Mo. § 213.010 et seq., ("MHRA").
- 2. Plaintiff demands a trial by jury and seeks all relief available, including nominal, compensatory and punitive damages, costs, fees, an enhancement of fees, interest, and equitable Case 4:20-cv-00192-RK Document 1-1 Filed 03/13/20 Page 7 of 89

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relief.

3. In the event that Defendants employ less than 500 persons, the MHRA's limitation on "damages for future pecuniary losses emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and punitive damages," R.S.Mo. § 213.111.4(2)(a-d), denies Plaintiff "equal rights and opportunity under the law" and therefore violates Article I, Section 2 of the Missouri Constitution by arbitrarily and capriciously creating different classes of people based on the number of persons employed by their employer; as applied to this case it would mean that Plaintiff's damages for emotional distress, humiliation, frustration, and future economic loss are, as a matter of law, worth less than for a person who works for a larger employer, and there is no rational basis for the legislature to classify employees in such a manner; moreover, Defendants' liability for punitive damages would be decided based on the number of its employees instead of the reprehensibility of its conduct and its financial condition and there is no rational basis for the limitations of such damages based on the number of persons employed by Defendants.

PARTIES

- 4. **PLAINTIFF MICHAEL HEYSER** is an adult male resident and citizen of Missouri.
 - 5. Plaintiff is a "person" as defined by R.S.Mo. § 213.010(15).
 - 6. Plaintiff was employed by Defendants as a Warehouse Manager.
 - 7. In or about Aug. 2011, Plaintiff began employment with Quality.
- 8. In or about Jan. 2013, Rockwell purchased or otherwise merged with Quality, and both employed Plaintiff thereafter.
 - 9. In or about Sept. 2016, Dexter purchased Rockwell and, with it, Quality.

EXHIBIT A Page 9 of 89

- 10. After about Sept. 2016, Defendants employed Plaintiff.
- 11. Defendants employed Plaintiff until approximately April 23, 2018.
- 12. During Plaintiff's employment with Defendants, he worked at Defendants' business facility located at 519 Duck Road, Grandview, MO 64030.
 - 13. **DEFENDANT QUALITY** is a limited partnership formed under Texas law.
- 14. Quality's principal place of business is located at 604 W. Main Street, Azle, Texas 76020.
- 15. Quality's corporate headquarters is located at 604 W. Main Street, Azle, Texas 76020.
 - 16. Quality has the same principal place of business as Rockwell.
 - 17. Quality has the same corporate headquarters as Rockwell.
- 18. Throughout Plaintiff's employment with Quality, Quality was a "person" as defined by R.S.Mo. § 213.010(15).
 - 19. Quality employs 501 or more persons.
- 20. Throughout Plaintiff's employment with Quality, Quality employed six or more persons in Missouri.
- 21. Throughout Plaintiff's employment with Quality, Quality was engaged in an industry affecting commerce and employed six or more employees for each working day.
- 22. Throughout Plaintiff's employment with Quality, Quality was an "employer" as defined by R.S.Mo. 213.010(8).
 - 23. Quality conducts ongoing and substantial business in Missouri.
 - 24. Quality employed Plaintiff to perform labor in Missouri.
 - 25. Plaintiff's employment with Quality ended in Missouri.

EXHIBIT A Page 10 of 89

- 26. Quality is an entity which acts through agents. It is liable for the conduct of its agents acting within the course and scope of their agency, its own negligence, the acts of its agents which it knowingly ratifies, injuries incurred by agents' performance of its non-delegable duties, acts done by agents for which the agency relationship allows or assists the agent to perform, and acts its agents take by virtue of their position with Defendant.
 - 1. **DEFENDANT ROCKWELL** is a partnership incorporated under Texas law.
- 2. Rockwell's principal place of business is located at 604 W. Main Street, Azle, Texas 76020.
- 3. Rockwell's corporate headquarters is located at 604 W. Main Street, Azle, Texas 76020
- 4. Throughout Plaintiff's employment with 2. Rockwell, 2. Rockwell was a "person" as defined by R.S.Mo. § 213.010(15).
 - 5. Rockwell employs 501 or more persons.
- Throughout Plaintiff's employment with Rockwell, Rockwell employed six or more persons in Missouri.
- 7. Throughout Plaintiff's employment with Rockwell, Rockwell was engaged in an industry affecting commerce and employed six or more employees for each working day.
- 8. Throughout Plaintiff's employment with Rockwell, Rockwell was an "employer" as defined by R.S.Mo. 213.010(8).
 - 9. Rockwell conducts ongoing and substantial business in Missouri.
 - 10. Rockwell employed Plaintiff to perform labor in Missouri.
 - 11. Plaintiff's employment with Rockwell ended in Missouri.
 - 12. Rockwell is an entity which acts through agents. It is liable for the conduct of its

EXHIBIT A Page 11 of 89

agents acting within the course and scope of their agency, its own negligence, the acts of its agents which it knowingly ratifies, injuries incurred by agents' performance of its non-delegable duties, acts done by agents for which the agency relationship allows or assists the agent to perform, and acts its agents take by virtue of their position with Defendant.

- 13. **DEFENDANT DEXTER** is a company incorporated under Delaware law.
- 14. Dexter's principal place of business is located at 2900 Industrial Parkway East, Elkhart, Indiana 46516.
- 15. Dexter's corporate headquarters is located at 2900 Industrial Parkway East, Elkhart, Indiana 46516.
- 16. Throughout Plaintiff's employment with Dexter, Dexter was a "person" as defined by R.S.Mo. § 213.010(15).
 - 17. Dexter employs 501 or more persons.
- 18. Throughout Plaintiff's employment with Dexter, Dexter employed six or more persons in Missouri.
- 19. Throughout Plaintiff's employment with Dexter, Dexter was engaged in an industry affecting commerce and employed six or more employees for each working day.
- 20. Throughout Plaintiff's employment with Dexter, Dexter was an "employer" as defined by R.S.Mo. 213.010(8).
 - 21. Dexter conducts ongoing and substantial business in Missouri.
 - 22. Dexter employed Plaintiff to perform labor in Missouri.
 - 23. Plaintiff's employment with Dexter ended in Missouri.
- 24. Dexter is an entity which acts through agents. It is liable for the conduct of its agents acting within the course and scope of their agency, its own negligence, the acts of its agents which

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it knowingly ratifies, injuries incurred by agents' performance of its non-delegable duties, acts done by agents for which the agency relationship allows or assists the agent to perform, and acts its agents take by virtue of their position with Defendant.

SUBJECT MATTER JURISDICTION AND VENUE

- 25. This Court has general original jurisdiction over this case pursuant to article V, section 14 of the Missouri Constitution because this is a civil case.
- 26. Pursuant to R.S.Mo. § 213.111.1, venue is proper in this Court because the unlawful discriminatory acts giving rise to Plaintiff's MHRA claims took occurred in Jackson County, Missouri.

FACTUAL ALLEGATIONS

- 27. On or about Aug. 12, 2011, Quality hired Plaintiff for employment.
- 28. In or about Jan. 2013, Quality was purchased by, or otherwise merged, with Rockwell.
- 29. In or about Sept. 2016, Quality and Rockwell were purchased, or otherwise merged, with Dexter.
- 30. From approximately Sept. 2016 until the termination of Plaintiff's employment, Defendants controlled the terms and conditions of Plaintiff's employment.
 - 31. Quality issued Plaintiff IRS W-2 forms.
 - 32. Plaintiff reported to the employees of Rockwell and Dexter.
- 33. Dexter supplied Plaintiff's employment benefits through an employer plan and terminated those employment benefits with Plaintiff's termination.
 - 34. In or about April 2017, Plaintiff discovered a lump in throat.
 - 35. Plaintiff sought medical treatment and his medical provider recommended surgery.

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- 36. Jay Cagle (management/supervisor) worked with Plaintiff at Defendant's Grandview, Missouri facility.
- 37. Plaintiff told Cagle of his medical condition and requested time off of work for the surgery.
 - 38. Cagle asked Plaintiff to delay the surgery.
 - 39. Plaintiff postponed the surgery at Cagle's request.
- 40. In approximately May 2017, Robert Strickland became the Regional/Area Manager over Defendants' Grandview, Missouri facility.
 - 41. The lump in Plaintiff's neck continued to grow.
 - 42. Plaintiff lost partial mobility in his neck and shoulder.
- 43. In or about June 2017, Plaintiff's medical provider recommended surgery on the lump as soon as possible.
 - 44. Plaintiff and his medical provider planned the surgery for about mid-July 2017.
 - 45. Plaintiff informed Cagle.
 - 46. Plaintiff also informed Cagle that the mass in Plaintiff's throat could be cancer.
 - 47. Cagle again asked Plaintiff to postpone the surgery.
- 48. Plaintiff contacted his medical provider who urged Plaintiff not to delay the surgery.
- 49. Plaintiff told Cagle that he would not postpone the surgery again and that the decision was based Plaintiff's medical provider's recommendations.
 - 50. Plaintiff requested time off for the surgery.
 - 51. Cagle became angry.
 - 52. Cagle told Plaintiff that he would report Plaintiff's physical condition, medical

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treatment, and request for time off for surgery to Robert Strickland.

- 53. Later, Cagle told Strickland was upset but if Plaintiff needed the time off for surgery then he needed the time off for surgery.
 - 54. On or about July 19, 2017, Plaintiff underwent surgery.
- 55. During or after surgery, Plaintiff went into a coma and remained in a coma for approximately eight days.
- 56. During the coma, Plaintiff's physical condition prevented him from performing most major life activities including, without limitation, consciousness, communication, mobility, or employment.
- 57. On or about July 27, 2017, Alan Heyser (Plaintiff's brother) informed Strickland and Cagle of Plaintiff's medical treatment, physical condition, and prognosis.
- 58. From approximately July 2017 until approximately Jan. 2018, Dexter provided Plaintiff short-term disability insurance benefits through its employer plan.
- 59. After surgery, Plaintiff's medical providers told him the lump removed from neck was cancerous and that he required chemotherapy and radiation treatments.
- 60. In or about Aug. 2017, Plaintiff informed Strickland and Cagle that he required further surgery for the port placement for chemotherapy, chemotherapy treatments, and radiation treatments.
 - 61. Plaintiff requested time off for the cancer treatments.
- 62. By about Dec. 2017, Plaintiff completed his radiation and chemotherapy treatments, but was experiencing nerve damage and partial paralysis in the right side of his body.
- 63. Plaintiff's medical provider recommended physical therapy but returned Plaintiff to work with restrictions.

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- 64. On or about Jan. 15, 2018, Plaintiff returned to work.
- 65. Plaintiff provided his medical provider's return-to-work restrictions to Cagle.
- 66. Cagle allowed Plaintiff to resume his position, but only for a portion of the day.
- 67. Cagle then told Plaintiff that Plaintiff could not work, needed to leave, and not to return until his work restrictions were lifted entirely.
- 68. Plaintiff told Cagle that he could work so long as the work was within his restrictions.
 - 69. Cagle told Plaintiff to leave until all his physical restrictions were lifted.
- 70. On Jan. 15, 2018, Plaintiff could have performed the essential functions of his job with reasonable accommodation, but Defendants refused to provide the accommodations.
 - 71. In or about late-Jan. 2018, Plaintiff began physical therapy.
 - 72. On or about April 20, 2018, Plaintiff completed physical therapy.
- 73. On or about April 20, 2018, Plaintiff's treating provider returned to work without restrictions and gave Plaintiff a return-to-work note.
- 74. On or about April 20, 2018, Plaintiff informed Cagle of the completion of physical therapy, his return to work status, and that Plaintiff would report for work the following Monday, April 23.
- 75. On or about April 23, 2018, Plaintiff returned to his position at Defendants' Grandview, Missouri facility.
 - 76. Plaintiff provided Cagle with his treatment provider's return-to-work note.
- 77. Cagle instructed Plaintiff to carry out several work tasks including, without limitation, carrying boxes of papers up a flight of stairs.
 - 78. Cagle watched Plaintiff carry the boxes up the stairs for approximately three trips.

EXHIBIT A Page 16 of 89

- 79. After lunch, Cagle called Plaintiff to his office.
- 80. Cagle had Strickland on the phone.
- 81. Strickland told Plaintiff that his job was eliminated and that he was being terminated from his previous position of Warehouse Manager.
- 82. Strickland told Plaintiff that he could be considered for an Administrative Assistant's position with "Rockwell American."
- 83. Strickland told Plaintiff the position paid \$16 per hour which was approximately a 40% reduction in pay for Plaintiff.
 - 84. Plaintiff informed Strickland he would have to discuss it with Plaintiff's wife.
- 85. Strickland said, "Fine. But we're looking outside the company. I need to know by 8:00 a.m. tomorrow. Period."
 - 86. Plaintiff was instructed to leave for the day.
 - 87. Later, on or about April 23, 2018, Plaintiff called Strickland.
- 88. Plaintiff told Strickland that he could have performed his job as of Jan. 15, 2018, with reasonable accommodation but Defendants refused to provide accommodations.
- 89. Plaintiff made a complaint of disability discrimination with Strickland and asked how to get in touch with human resources.
 - 90. Strickland told Plaintiff that Human Resources would not overrule him.
- 91. Strickland told Plaintiff that human resources employee he should contact to register his complaint was named *Vahnp*, in the corporate office Texas.
- 92. Plaintiff told Strickland he may not be able to make a decision regarding the Administrative Assistant's position by the next morning and asked if that was a problem.
 - 93. Strickland said it was a problem and that he needed to fill the position.

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- 94. On or about April 24, 2018, Plaintiff returned to Defendants' Grandview, Missouri facility.
- 95. Plaintiff asked Cagle if he could be considered for the Administrative Assistant's position for \$18 per hour instead of \$16 per hour.
 - 96. Cagle said if needed to call Strickland.
 - 97. Cagle called Strickland while Plaintiff was approximately 2 or 3 feet away.
- 98. During Cagle's call to Strickland, Plaintiff heard Strickland say, "After speaking with him and him accusing me of discrimination, you tell 'no' on the \$18 and we're looking outside the company for this position."
- 99. On or about April 24, 2018, Plaintiff contacted human employees Vahnp L.N.U. by phoning Defendants' corporate office in Texas.
- 100. On or about April 24/25, 2018, Plaintiff made a complaint of discrimination/retaliation by telephone with Defendant's human resources employee, Vahnp.
 - 101. On or about April 27, 2018, Vahnp called Plaintiff with Strickland on the phone.
- 102. Vahnp told Plaintiff he could still be considered for the Administrative Assistant's position.
- 103. Strickland spoke over Vahnp saying, "But the job doesn't pay \$16 an hour anymore. It's \$15 per hour now. And we're going outside the company to fill the position."
- 104. Vahnp then spoke over Strickland asking Plaintiff if they could speak by phone later and the conversation ended.
- 105. On or about April 29, 2018, Plaintiff registered a complaint of discrimination/retaliation with Defendants' human resources employee Vahnp.
 - 106. On or about April 30, 2018, Vahnp contacted Plaintiff by phone.

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- 107. Vahnp told Plaintiff that it was clear he did not want the Administrative Assistant's position for \$15.
- 108. Plaintiff told Vahnp that he did not believe he could make it financially on \$15 per hour.
- 109. Vahnp responded by telling Plaintiff she would process his final paycheck and the conversation ended.

ADMINISTRATIVE PROCEDURES

- 110. On June 22, 2018, Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights against Quality. The Charge was assigned number E-06/18-49657. A copy of the Charge is attached hereto as **Exhibit A** and is incorporated herein by reference.
 - 111. Quality received notice of charge no. E-06/18-49657.
- 112. On Jan. 7, 2020, the Missouri Commission on Human Rights issued Plaintiff a right-to-sue notice concerning charge no. E-06/18-49657 pursuant to the Missouri Human Rights Act. A copy of the notice is attached hereto as **Exhibit B** and incorporated herein by reference.
- 113. On June 22, 2018, Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights against Rockwell. The Charge was assigned number E-06/18-49658. A copy of the Charge is attached hereto as **Exhibit C** and is incorporated herein by reference.
 - 114. Rockwell received notice of charge no. E-06/18-49658.
- 115. On Jan. 7, 2020, the Missouri Commission on Human Rights issued Plaintiff a right-to-sue notice concerning charge no. E-06/18-49658 pursuant to the Missouri Human Rights Act. A copy of the notice is attached hereto as **Exhibit D** and incorporated herein by reference.
 - 116. On June 22, 2018, Plaintiff filed a Charge of Discrimination with the Missouri

EXHIBIT A Page 19 of 89

Commission on Human Rights against Dexter. The Charge was assigned number E-06/18-49660.

A copy of the Charge is attached hereto as **Exhibit E** and is incorporated herein by reference.

- 117. Dexter received notice of charge no. E-06/18-49660.
- 118. Dexter responded to charge no. E-06/18-49660 by providing information to the Missouri Commission on Human Rights.
 - 119. This <u>Petition</u> has been filed within 90 days of Jan. 7, 2020.
 - 120. This Petition has been filed within two years of the alleged discrimination.

COUNT I

Missouri Human Rights Act –R.S.Mo. § 213.055 Disability Discrimination (Against all Defendants)

- 121. Plaintiff incorporates by reference all other paragraphs in this Petition.
- 122. Plaintiff has a disability as defined by R.S.Mo. § 213.010(5).
- 123. Plaintiff has a disability of which Defendants were aware and/or Defendants regarded Plaintiff as being disabled.
- 124. Defendants told Plaintiff that his position as Warehouse Manager was eliminated and terminated him from the position of Warehouse Manager because of his disability.
- 125. Defendants told Plaintiff he could be "considered for" an administrative assistant's position at almost half of his previous salary because of his disability.
 - 126. Defendants constructively discharged Plaintiff because of his disability.
- 127. Defendants' above-referenced discrimination directly caused or directly contributed to cause Plaintiff damages, including economic damages, humiliation, frustration, degradation and unnecessary hardship.
- 128. The actions and conduct set forth herein demonstrate a reckless indifference or conscious disregard for the rights of Plaintiff and others. Therefore, Plaintiff is entitled to punitive

EXHIBIT A Page 20 of 89

damages from Defendants, to punish Defendants and to discourage others from engaging in similar unlawful conduct.

WHEREFORE, Plaintiff prays for judgment against Defendants on Count I of his Petition, for a <u>Judgment</u> finding Defendants discriminated against Plaintiff in violation of R.S.Mo. § 213.055 and awarding Plaintiff nominal or compensatory damages, punitive damages in an amount that is fair and reasonable, costs, attorney fees, an enhancement of attorney fees, all recoverable interest, expert fees, travel expenses, and all other equitable relief the Court is permitted to grant Plaintiff to remedy Defendants' violations of the MHRA.

COUNT II

Missouri Human Rights Act – R.S.Mo. § 213.055 Disability Discrimination – Failure to Accommodate (Against all Defendants)

- 129. Plaintiff incorporates by reference all other paragraphs in this Petition.
- 130. Plaintiff requested reasonable accommodations.
- 131. Plaintiff requested an accommodation in the form a job restructuring conforming with his return-to-work restrictions and physical limitations.
- 132. Plaintiff could have performed the essential functions of the job had Defendants provided him this accommodation.
 - 133. Defendants could have reasonably provided Plaintiff this accommodation.
- 134. Defendants failed to provide Plaintiff the accommodation of restructuring his job to conform to his restrictions and physical limitations.
- 135. Defendants' failure to provide Plaintiff with this reasonable accommodation caused or directly contributed to cause Plaintiff damage.
- 136. The actions and conduct set forth herein were outrageous and demonstrate Defendant's reckless indifference or conscious disregard for the rights of Plaintiff and others,

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rendering Defendants liable for punitive damages in an amount that is fair and reasonable to punish

Defendants and to deter Defendants and others from repeating this sort of misconduct.

WHEREFORE, Plaintiff prays for a judgment against Defendants on Count II of his Petition, for a <u>Judgment</u> finding Defendants discriminated against Plaintiff in violation of R.S.Mo. § 213.055 and awarding Plaintiff nominal or compensatory damages, punitive damages in an amount that is fair and reasonable, costs, attorney fees, an enhancement of attorney fees, all recoverable interest, expert fees, travel expenses, and all other equitable relief the Court is permitted to grant Plaintiff to remedy Defendants' violations of the MHRA.

Missouri Human Rights Act – R.S.Mo. § 213.070 Retaliation

(Against all Defendants)

- 137. Plaintiff incorporates by reference all other paragraphs in this Petition.
- 138. Plaintiff's requests for accommodations were protected activities.
- 139. Plaintiff complaints of discrimination and retaliation were protected activities.
- 140. Defendants told Plaintiff his position as Warehouse Manager was eliminated because of his accommodation requests; *i.e.*, protected activity.
- 141. Defendant terminated Plaintiff's employment as the Warehouse Manager because of Plaintiff's accommodation requests; *i.e.*, protected activity.
- 142. Defendants told Plaintiff he could be "considered for" an administrative assistant's position at almost half of his previous salary because of his accommodation requests; *i.e.*, protected activity.
- 143. Defendants told Plaintiff they "were going outside the company" to fill the administrative assistant's position because of Plaintiff's discrimination complaints; *i.e.*, protected activity.

EXHIBIT A Page 22 of 89

- 144. Defendants rescinded the offer to consider Plaintiff for the Administrative Assistant position because of Plaintiff's discrimination complaints; *i.e.*, protected activity.
- 145. Defendants told Plaintiff the pay for the administrative assistant's position was being reduced from \$16 per hour to \$15 per hour because Plaintiff's discrimination complaints; *i.e.*, protected activity.
- 146. Defendants constructively discharged Plaintiff because of his accommodation requests and complaints of discrimination; *i.e.*, protected activities.
- 147. The above-referenced retaliation caused or directly contributed to cause him damages, including economic injury and distress, humiliation, unnecessary hardship, frustration, and degradation.
- 148. The actions and conduct set forth herein were outrageous and demonstrate Defendant's reckless indifference or conscious disregard for the rights of Plaintiff and others, rendering Defendant liable for punitive damages in an amount that is fair and reasonable to punish Defendant and to deter Defendant and others from repeating this sort of misconduct.

WHEREFORE, Plaintiff prays for a judgment against Defendants on Count III of his Petition, for a <u>Judgment</u> finding Defendants retaliated against Plaintiff in violation of R.S.Mo. § 213.070 and awarding Plaintiff nominal or compensatory damages, punitive damages in an amount that is fair and reasonable, costs, attorney fees, an enhancement of attorney fees, all recoverable interest, expert fees, travel expenses, and all other equitable relief the Court is permitted to grant Plaintiff to remedy Defendants' violations of the MHRA.

Electronically Filed - Jackson - Independence - January 11, 2020 - 03:54 PM

EXHIBIT A Page 23 of 89

Respectfully Submitted,

RALSTON KINNEY, LLC

/s/ Thomas F. Ralston

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

Tel: (816) 298-0086 Fax: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A Page 24 of 89

2016-CV01038

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this		AGENCY FEI	E-061	RGE NUMBER 8-49657 018-01188C
Mis	souri Commission on	Human Ri		
1	Equal Employment Opportu	nity Commissio	n	
NAME(Indicate Mr., Ms., Mrs.) Michael L. Heyser		HOME TELEPHO	NE (Include Area Code) REDACTE	ED
1 REDACTE Avenue Belto		MO 64012		DATE OF REDACTI
NAMED IS THE EMPLOYER, LABOR ORGANGENCY WHO DISCRIMINATED AGAINST	ANIZATION, EMPLOYMENT AGENCY, A	PPRENTICESHIP COL	MMITTEE, STATE OR LO	CAL GOVERNMENT
NAME Quality Trailer Product, L.P.	NUMBER OF EMPLOYEES, MEMBER	S	15.00	oclude Area Code)
STREET ADDRESS 519 Duck Road	CITY, STATE	E AND ZIP CODE W, MO 64030	(01)	COUNTY
NAME Rocker American, Polar Corporation, Dexter Axle Company and Dexter Axle Trucking-Company		Rockwell: (8 Polar: (320) Dexter Axle:		
STREET ADDRESS Rockwell: (94 W. Main Street, a Polon Gorp. 1015 West-Saint Ger Dexter Axlo Tuncking: (Soxyo Regi Dexter Axlo Gompany: (Serve Regi	Trie, 174 76020 Innin, Ste 420, St. Gloud, M.N. Stered Agent) CT Carparation Syst	em. 120 S. Central	Ave. Clayton 210 (COUNTY 63105
CAUSE OF DISCRIMINATION BASED ON (RACE COLOR NA		AGE	DATE DISCRIMINATI EARLIEST (ADEA/EPA)	
PARTICULARS: I began employment with surgery. My employer requested I delay the again for me to delay the surgery. I did no surgery. I requested reasonable accommodal respondents of my need for further medical nerve damage and semi-paralysis. However, worked a short period of time. Then, I was to or without reasonable accommodations at the restrictions. I notified respondents and then watching. Then, Respondents informed me in that I could request that position. I told to	surgery due to workload. I did. In June t. I requested reasonable accommodatio tion again in the form of medical leave an treatment and again requested leave. I o I was approved to return to work with re- old to leave and not return until my work i at time, but Respondents would not acco returned to work on about April 23, 201 ny job had been eliminated. They told my	2017, I informed my ens in the form of med underwent radiation completed a stage of matrictions. On Jan. 15, restrictions had been limmodate me. I comp 8. Upon return, my enterwent properties of they were hiring for the comp 1.	mployer that I needed sur ical leave and on about J and chemotherapy. In e y treatment in about Dec 2018, I returned to work: ited. I was capable of per- leted physical therapy an imployer had me carry se i position that paid about	gery. My employer asked uly 19, 2017, I underwent arly Aug. 2017, I informed at 2017, which left me with at the Grandview facility. I forming my job duties with d was returned to without
discrimination. Then, my employer reduced 213.010(5). I have been retaliated against in v	nem I did not believe I could live on ha the pay of the position even further. I I iolation of RSMo 213.070 for requesting r	ave been discriminate easonable accommoda	d against based on a disa tions and opposing discrin	a complaint of disability bility as defined by RSMo nination.
discrimination. Then, my employer reduced	the pay of the position even further. I I it is pay of the position even further. I I it is pay of the position even further. I I it is pay of the pay of the position of RSMo 213.070 for requesting relationship in the State or local Agency, if any. I is telephone number and I will by charge in accordance with their is pay of the	iave been discriminate easonable accommodal OTARY - (When necess	d against based on a disa lons and opposing discrin ary for State and Local Req we read the above charge an	a complaint of disability bility as defined by RSMo nination.

EXHIBIT A Page 25 of 89



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATION 16-CV01038 MISSOURI COMMISSION ON HUMAN RIGHTS

ANNA S. HUI DEPARTMENT DIRECTOR

Martha Staggs COMMISSION CHAIRPERSON ALISA WARREN, Ph.D. EXECUTIVE DIRECTOR



NOTICE OF RIGHT TO SUE

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS, L.P. E-06/18-49657 28E-2018-01188C

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your compliant in state circuit court. THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,				
Alisa Warren, Ph.D. Executive Director			January 7, 2020 Date	
C: additional contac	ts listed on next page			
3315 W. TRUMAN BLVD. P.O. BOX 1129 JEFFERSON CITY, MO 65102-1129 PHONE: 573-751-3325 Missouri Commission on Human	111 N. 7TH STREET, SUITE 903 ST. LOUIS, MO 63101-2100 PHONE: 314-340-7590 FAX: 314-340-7238 In Rights is an equal opportunity emp	P.O. Box 1300 Ozark, MO 65721-1300 loyer/program. Auxiliary aides an	1410 GENESSEE, SUITE 260 KANSAS CITY, MO 64102 FAX: 816-889-3582 ad services are available upon request to	106 ARTHUR STREET SUITE D SIKESTON, MO 63801-5454 FAX: 573-472-5321 o individuals with disabilities.

E-Mail: mchr@labor.mo.gov

www.labor.mo.gov/mohumanrights

EXHIBIT A Page 26 of 89

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS, LET HIBIT B E-06/18-49657 28E-2018-01188C

QUALITY TRAILER PRODUCTS, L.P. 519 Duck Road Grandview, MO 64030

Jennifer Bickley Hull ATTORNEY AT LAW 110 W. Berry Street, Suite 2400 Fort Wayne, IN 46802

Thomas F. Ralston ATTORNEY AT LAW 4717 Grand Avenue, Suite 250 Kansas City, MO 64112

EXHIBIT A Page 27 of 89

2016-CV01038

	AGENCY FEPA	005-0	омвек 9 658 011890	
Mis	souri Commission on	Human Rig	hts	
E	qual Employment Opportun	ity Commission		
NAME(Indicate Mr., Ms., Mrs.) Michael L. Heyser		HOME TELEPHON	E (Include Area Code) REDACTED	
STREET ADDRESS	CITY, STATE	AND ZIP CODE		DATE OF
DACTED Avenue	Belton, I	VIO 64012	REII	DACTED
NAMED IS THE EMPLOYER, LABOR ORGA AGENCY WHO DISCRIMINATED AGAINST		PRENTICESHIP COM	MITTEE, STATE OR LOCAL GO	OVERNMENT
NAME	NUMBER OF EMPLOYEES, MEMBERS		TELEPHONE (Include A	Irea Code)
Quality Trainer 1 rounce, Lan	15+		(816) 761	1-3666
STREET ADDRESS		AND ZIP CODE		COUNTY
519 Pale Book	Grandview	, MO-64030	ABER (Include Area Code)	Jackson
Rockwell American, Polar-Corp				8
Denter The Proceedings (Serve Keep	stered Agent) CT Corporation Syste	6301 m, 120 S. Central	Ave., Clayton, MO 63105	
Dester Axie Company: (Serve Reg	istered Agent) The Corporation Co., 12	m, 120 S. Central	Ave., Clayton, MO 63105 Clayton, MO 63105 DATE DISCRIMINATION TO EARLIEST (ADEA/EPA)	
Dester Acte Company: (Serve Reg CAUSE OF DISCRIMINATION BASED ON (RACE COLOR X RETALIATION OR	istered Agent) The Corporation Co., 12 Check appropriate box(es)) SEX RELIGION TIONAL X DISABILITY	em, 120 S. Central 20 S. Central Ave., C	DATE DISCRIMINATION TO EARLIEST (ADEA/EPA) Approx X CONTINUING A	DOK PLACE LATEST (ALL) 4. April 23, 201
CAUSE OF DISCRIMINATION BASED ON RACE COLOR	SEX RELIGION TIONAL X DISABILITY A Respondents in 2011. In April 2017, I is surgery due to workload. I did. In June tot. I requested reasonable accommodation again in the form of medical leave and treatment and again requested leave. I c. I was approved to return to work with resold to leave and not return until my work in the time, but Respondents would not accome returned to work on about April 23, 201 my job had been eliminated. They told me them I did not believe I could live on had the pay of the position even further. I is	AGE Other AGE Other Other AGE Other Other AGE Other Other	DATE DISCRIMINATION TO EARLIEST (ADEA/EPA) Approx X CONTINUING A that I discovered a lump in my mployer that I needed surgery, ical leave and on about July 19 and chemotherapy. In early A y freatment in about Dec. 2017 2018, I returned to work at the ted. I was capable of performin leted physical therapy and was mployer had me carry several in confacted HR and made a co of against based on a disability	CAPIL 23, 201 ACTION throat and requir My employer ask , 2017, I underwe ug. 2017, I inform , which left me w Grandview facility g my job duties w returned to with boxes up stairs wh y annual salary a mplaint of disabil as defined by RSI
CAUSE OF DISCRIMINATION BASED ON A RACE COLOR RACE COLOR X RETALIATION NA PARTICULARS: 1 began employment with surgery. My employer requested I delay the surgery. I did not surgery. I requested reasonable accommodates pendents of my need for further medical nerve damage and semi-paralysis. However worked a short period of time. Then, I was sor without reasonable accommodations at trestrictions. I notified respondents and the watching. Then, Respondents informed me that I could request that position. I told discrimination. Then, my employer reduces	SEX RELIGION TIONAL X DISABILITY THE RESPONDENTS IN 2011. In April 2017, In surgery due to workload. I did. In June to the treatment and again requested leave and treatment and again requested leave. I c. I was approved to return to work with resold to leave and not return until my worker hat time, but Respondents would not accondition again the form of medical leave and not return until my worker hat time, but Respondents would not accondition to the pay of the position even further. I the violation of RSMo 213.070 for requesting response to the pay of the position even further. I the violation of RSMo 213.070 for requesting response to the pay of the position even further. I the violation of RSMo 213.070 for requesting response to the pay of the position even further. I the violation of RSMo 213.070 for requesting response to the payon the payon to the position even further. I the violation of RSMo 213.070 for requesting response to the payon to the position even further. I have the payon to the payon the payon to	AGE Other AGE Other Other Other Other AGE Other Other Other Other Other Other Other AGE Other	DATE DISCRIMINATION TO EARLIEST (ADEA/EPA) Approx X CONTINUING A that I discovered a lump in my mployer that I needed surgery, ical leave and on about July 19 and chemotherapy. In early A y treatment in about Dec. 2017 2018, I returned to work at the ited. I was capable of performined physical therapy and was mployer had me carry several in position that paid about half in contacted HR and made a cod against based on a disability tions and opposing discriminations are for State and Local Requirements of the state of	COK PLACE LATEST (ALL) C. April 23, 201 ACTION throat and requir My employer ask 1, 2017, I underwa 1, 2017, I inform 1, which left me 1, which left me 1, gray job duties w 1, returned to with 1, the control of the control 1, and

EXHIBIT A Page 28 of 89



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATED 10-CV01038 MISSOURI COMMISSION ON HUMAN RIGHTS

ANNA S. HUI DEPARTMENT DIRECTOR

Martha Staggs COMMISSION CHAIRPERSON ALISA WARREN, Ph.D. EXECUTIVE DIRECTOR



NOTICE OF RIGHT TO SUE

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS D/B/A ROCKWELL AMERICAN E-06/18-49658 28E-2018-01189C

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your compliant in state circuit court. THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,				
Alisa Warren, Ph.D. Executive Director			January 7, 2020 Date	
C: additional contac	cts listed on next page			
\boxtimes				
3315 W. TRUMAN BLVD. P.O. BOX 1129 JEFFERSON CITY, MO 65102-1129 PHONE: 573-751-3325 Missouri Commission on Huma	111 N. 7TH STREET, SUITE 903 ST. LOUIS, MO 63101-2100 PHONE: 314-340-7590 FAX: 314-340-7238 n Rights is an equal opportunity emp	P.O. Box 1300 Ozark, MO 65721-1300 loyer/program. Auxiliary aides al	1410 GENESSEE, SUITE 260 KANSAS CITY, MO 64102 FAX: 816-889-3582 and services are available upon request to Missouri: 711	106 ARTHUR STREET SUITE D SIKESTON, MO 63801-5454 FAX: 573-472-5321 o individuals with disabilities.

www.labor.mo.gov/mohumanrights

E-Mail: mchr@labor.mo.gov

EXHIBIT A Page 29 of 89

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS D/B/A ROCKWELL AMERICAN E-06/18-49658 28E-2018-01189C

QUALITY TRAILER PRODUCTS D/B/A ROCKWELL AMERICAN 604 West Main Street Azle, TX 76020

Jennifer Bickley Hull ATTORNEY AT LAW 110 W. Berry Street, Suite 2400 Fort Wayne, IN 46802

Thomas F. Ralston ATTORNEY AT LAW 4717 Grand Avenue, Suite 250 Kansas City, MO 64112

EXHIBIT A Page 30 of 89

2016-CV01038

This form is affected by the Privacy Act of 1974; See P	AGENCY FEPA	200	19660	
Mis	souri Commission on	Human Rig		2.72
E	qual Employment Opportun	ity Commission	1	
NAME(Indicate Mr., Ms., Mrs.) Michael L. Heyser		HOME TELEPHON	NE (Include Area Code) REDACTED	
STREET ADDRESS	CITY, STATE	AND ZIP CODE		DATE OF
EDACTED Avenue	Belton, I	AO 64012	R	BIRTH BIDA (ON BID
NAMED IS THE EMPLOYER, LABOR ORGA AGENCY WHO DISCRIMINATED AGAINST		PRENTICESHIP COM	MITTEE, STATE OR LOCAL O	GOVERNMENT
NAME	NUMBER OF EMPLOYEES, MEMBERS		TELEPHONE (Include	Area Code)
Quality Trailer Product, L.T.	15+		(816) 76	1-3666
STREET ADDRESS		AND ZIP CODE		COUNTY
S10-Duck Road NAME	Grandview	, MO 64030	ABER (Include Area Code)	Jackson
and Dexter Axle To				88
Rockerell: 604 Wr Main Street, F Polar Corp. 1015 West Saint G Dexter Axle Trucking: (Serve Regi Dexter Axle Company: (Serve Regi	stered Agent) CT Corporation Syste	m, 120 S. Central		5
CAUSE OF DISCRIMINATION BASED ON (COLONY LEAD TO CALL AND A	
RACE COLOR NA	SEX RELIGION TIONAL X DISABILITY	AGE Other	Approx X CONTINUING	LATEST (ALL)
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PARTICULARS: I began employment with surgery. My employer requested I delay the again for me to delay the surgery. I did not surgery. I requested reasonable accommodar respondents of my need for further medical nerve damage and semi-paralysis. However, worked a short period of time. Then, I was to or without reasonable accommodations at the restrictions. I notified respondents and ther watching. Then, Respondents informed me that I could request that position. I told the discrimination. Then, my employer reduced.	SEX RELIGION TIONAL A DISABILITY Respondents in 2011. In April 2017, I many surgery due to workload. I did. In June 2 ot. I requested reasonable accommodation tion again in the form of medical leave and treatment and again requested leave. I cold was approved to return to work with rest old to leave and not return until my work returned to work on about April 23, 2018 may job had been eliminated. They told me hem I did not believe I could live on half it the pay of the position even further. I have a surgery and the state or local Agency, if any. I or telephone number and I will my charge in accordance with their	Other otified my employer to 1017, I informed my et s in the form of medi underwent radiation interest as a tage of m rictions. On Jan. 15, strictions had been his immodate me. I comp. Upon return, my et they were hiring for a f my usual salary. I we been discriminate asonable accommodate.	Approximate I discovered a lump in my imployer that I needed surgery. Cal leave and on about July 11 and chemotherapy. In early 4 y treatment in about Dec. 201' 2018, I returned to work at the ted. I was capable of performilied physical therapy and was imployer had me carry several position that paid about half recontacted HR and made a cod against based on a disability ions and opposing discriminations ary for State and Local Requirements of the state of	ATEST (ALL) x. April 23, 201 ACTION throat and requir My employer ask 9, 2017, I underwe Aug. 2017, I inform 7, which left me wi Grandview facility ng my job duties wi s returned to witho boxes up stairs wh my annual salary a omplaint of disabili as defined by RSN on.

EXHIBIT A Page 31 of 89



IN THE <u>16TH JUDICIAL CIRCUIT</u> COURT,	JACKSON COUNTY	, MISSOURI
Michael Heyser,		
Plaintiff,		
vs.		
Quality Trailer Products, Lp Et Al,		
Defendant.		
Case Number: 2016-CV01038		

Entry of Appearance

Comes now undersigned counsel and enters his/her appearance as attorney of record for Michael Heyser, Plaintiff, in the above-styled cause.

> /s/ Kenneth D. Kinney Kenneth Donald Kinney Mo Bar Number: 67435 Attorney for Plaintiff 4717 Grand Avenue Suite 250 Kansas City, MO 64112 Phone Number: (816) 298-0070 ken@rklawllc.com

Certificate of Service

I hereby certify that on January 14th, 2020 , a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail or U.S. mail postage prepaid to their last known address.

> /s/ Kenneth D. Kinney Kenneth Donald Kinney

EXHIBIT A Page 32 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER,

PLAINTIFF(S),

CASE NO. 2016-CV01038 DIVISION 12

VS.

QUALITY TRAILER PRODUCTS, LP,

DEFENDANT(S).

NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE AND ORDER FOR MEDIATION

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JENNIFER PHILLIPS** on **04-MAY-2020** in **DIVISION 12** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

EXHIBIT A Page 33 of 89

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case if filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page <u>www.16thcircuit.org</u> for division policies and procedural information listed by each judge.

/S/ JENNIFER PHILLIPS JENNIFER PHILLIPS, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

KENNETH DONALD KINNEY, 4717 GRAND AVENUE, SUITE 250, KANSAS CITY, MO 64112

THOMAS F RALSTON, 4717 GRAND AVE, SUITE 250, KANSAS CITY, MO 64112

Defendant(s):

QUALITY TRAILER PRODUCTS, LP ROCKWELL AMERICAN MANUFACTURING DEXTER AXLE COMPANY

Dated: 14-JAN-2020 MARY A. MARQUEZ
Court Administrator



suits, see Supreme Court Rule 54.

IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division:	Case Number: 2016-CV01038
JENNIFER PHILLIPS	
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address
MICHAEL HEYSER	THOMAS F RALSTON
	4717 GRAND AVE
	SUITE 250
vs.	KANSAS CITY, MO 64112
Defendant/Respondent:	Court Address:
QUALITY TRAILER PRODUCTS, LP	308 W Kansas
Nature of Suit:	INDEPENDENCE, MO 64050
CC Employmet Discremente 213 111	

(Date File Stamp)

Summons in Civil Case						
The State of Missouri to:	DEXTER AXLE COMPANY Alias:	PRIVATE I	PROCESS SER	VER		
THE CORPORATION COMPANY 120 S CENTRAL AVE CLAYTON, MO 63105	Y					
COURT SEAL OF	You are summoned to appear which is attached, and to serve a coabove address all within 30 days affile your pleading, judgment by de 14-JAN-2020 Date	opy of your pleading upon the fter receiving this summons,	e attorney for Plaintiff/Peti exclusive of the day of serv	tioner at the ice. If you fail to		
JACKSON COUNTY	Further Information:					
	Sheriff's or	r Server's Return				
Note to serving officer: Sun	nmons should be returned to the court v	within thirty days after the date	e of issue.			
I certify that I have served the	e above summons by: (check one)					
	ummons and a copy of the petition to the umons and a copy of the petition at the caperson a person					
permanently resides with	n the Defendant/Respondent.	ii of the Defendant s/Respond	ent's family over the age of f	5 years who		
	ion) delivering a copy of the summons	and a copy of the petition to				
		(name)		(title).		
_						
Served at				(address)		
in	(County/City of St. Louis),	MO, on	(date) at	(time).		
	f Sheriff or Server Must be sworn before a notary publi c	c if not served by an authori	Signature of Sheriff or Server zed officer:			
(Seal)	Subscribed and sworn to before me on		(date).			
	My commission expires:	Date	Notary Public			
Sheriff's Fees						
Summons Non Est	\$					
Sheriff's Deputy Salary	Φ					
Supplemental Surcharge	\$10.00					
Mileage Total	\$(miles	@ \$ per mile)				

EXHIBIT A Page 35 of 89

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division:	Case Number: 2016-CV01038
JENNIFER PHILLIPS	
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address
MICHAEL HEYSER	THOMAS F RALSTON
	4717 GRAND AVE
	SUITE 250
VS.	KANSAS CITY, MO 64112
Defendant/Respondent:	Court Address:
QUALITY TRAILER PRODUCTS, LP	308 W Kansas
Nature of Suit:	INDEPENDENCE, MO 64050
CC Employment Discrementa 212 111	

(Date File Stamp)

Summons in Civil Case

Summons in Civil Case						
The State of Missouri to:	QUALITY TRAILER PRODUCTS, LP Alias:	PRIVATE PROCESS SER	₹VER			
CT CORPORATION SYSTEM 120 S CENTRAL AVE CLAYTON, MO 63105						
JACKSON COUNTY	which is attached, and to serve a copy of you above address all within 30 days after receive	is court and to file your pleading to the petition, a preparation of the attorney for Plaintiff/Petition ring this summons, exclusive of the day of service, to be taken against you for the refief demanded in the Clerk	ner at the . If you fail to			
	Sheriff's or Server's	Return				
Note to serving officer: Sun	nmons should be returned to the court within thir	ty days after the date of issue.				
I certify that I have served the	e above summons by: (check one)					
	ummons and a copy of the petition to the Defend mons and a copy of the petition at the dwelling p	ant/Respondent. lace or usual abode of the Defendant/Respondent wi efendant's/Respondent's family over the age of 15 y	th years who			
permanently resides with	the Defendant/Respondent.	orendant strespondent stanning over the age of 13 y	cars who			
(for service on a corporation) delivering a copy of the summons and a copy of the petition to						
	(nam	e)	(title).			
			·			
Served at			_ (address)			
in	(County/City of St. Louis), MO, on _	(date) at	(time).			
I S	Sheriff or Server Must be sworn before a notary public if not se Subscribed and sworn to before me on	•				
(Seal)	My commission expires:					
	Date	Notary Public				
Sheriff's Fees						
Summons Non-Fot	\$					
Non Est Sheriff's Deputy Salary	\$					
	\$10.00					
Mileage	\$10.00 \$ (miles @ \$	per mile)				
Total	\$		11 1 0			
A copy of the summons and	a copy of the petition must be served on each I	Defendant/Respondent. For methods of service on a	II classes of			

suits, see Supreme Court Rule 54.

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SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division:	Case Number: 2016-CV01038
JENNIFER PHILLIPS	
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address:
MICHAEL HEYSER	THOMAS F RALSTON
	4717 GRAND AVE
	SUITE 250
VS.	KANSAS CITY, MO 64112
Defendant/Respondent:	Court Address:
QUALITY TRAILER PRODUCTS, LP	308 W Kansas
Nature of Suit:	INDEPENDENCE, MO 64050
CC Employmnt Discrmntn 213.111	

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to.	ROCKWELL AMERICAN I	MANUFACTURING P	RIVATE PROCESS	SEKVEK
PRINIPAL PLACE OF BUSIN				
604 W MAIN ST				
AZLE, TX 76020				
COURT SEAL OF			your pleading to the petition, copy of Plaintiff/Petitioner at the above add	
OURTOR			e day of service. If you fail to file yo	
		aken against you for the relief de		our picuams,
(31/2007)/5/	14-JAN-20	•	(M) [(M) ~	
	Date		Clerk	·
JACKSON COUNTY	Further Information:			
	Officer's	or Server's Affidavit of Serv	vice	
I certify that:				
1. I am authorized to se	rve process in civil actions with	in the state or territory where the	above summons was served.	
 My official title is I have served the about 	ave summers by (sheets one)	of	County,	(state).
		of the petition to the Defendant/l		
			respondent. e or usual abode of the Defendant/Ro	acnondant with
			ndent's family over the age of 15 ye	
permanently	resides with the defendant/respo	ondent.	ident's family over the age of 15 ye	ars who
		by of the summons and a copy of	the petition to	
				(title).
other (describe	e)			·
Served at			(date) at	(address)
in			(date) at	(time).
Printed Nam	ne of Sheriff or Server		a:	i i
			Signature of Sheriff or Server	
	Subscribed and Sworn To		y) (month)	(year)
			y) (month)	(year)
	I am: (check one) the	me before this (day	y) (month) nt is an officer.	(year)
(Seal)	I am: (check one)	me before this (day clerk of the court of which affiand judge of the court of which affiand thorized to administer oaths in the	y) (month) nt is an officer.	
(Seal)	I am: (check one)	me before this (day clerk of the court of which affiand judge of the court of which affiand thorized to administer oaths in the see for out-of-state officer)	y) (month) nt is an officer. ant is an officer. e state in which the affiant served th	
(Seal)	I am: (check one)	me before this (day clerk of the court of which affiand judge of the court of which affiand thorized to administer oaths in the	y) (month) nt is an officer. ant is an officer. e state in which the affiant served th	·
(Seal)	I am: (check one)	me before this (day clerk of the court of which affiand judge of the court of which affiand thorized to administer oaths in the see for out-of-state officer)	y) (month) nt is an officer. ant is an officer. e state in which the affiant served the e for court-appointed server)	
` ,	I am: (check one)	me before this (day clerk of the court of which affiand judge of the court of which affiand thorized to administer oaths in the see for out-of-state officer)	y) (month) nt is an officer. ant is an officer. e state in which the affiant served th	
Service Fees, if applicable Summons \$	I am: (check one)	me before this	y) (month) nt is an officer. ant is an officer. e state in which the affiant served the for court-appointed server) Signature and Title	·
Service Fees, if applicable Summons \$	I am: (check one)	me before this	y) (month) nt is an officer. ant is an officer. e state in which the affiant served the for court-appointed server) Signature and Title	
Service Fees, if applicable Summons \$ Non Est \$ Mileage \$	I am: (check one)	me before this	y) (month) nt is an officer. ant is an officer. e state in which the affiant served the for court-appointed server) Signature and Title	
Service Fees, if applicable Summons \$	I am: (check one)	me before this (day clerk of the court of which affiand judge of the court of which affiand thorized to administer oaths in the see for out-of-state officer)	y) (month) nt is an officer. ant is an officer. e state in which the affiant served the for court-appointed server) Signature and Title	

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Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

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SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

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IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)
Plaintif	·)
vs.) Case No. 2016-CV01038
)
QUALITY TRAILER PRODUCTS, I	LP, Division 12
ROCKWELL AMERICAN MANUF	ACTURING,)
and DEXTER AXLE COMPANY)
Defende	ents)

FIRST AMENDED PETITION

Plaintiff Michael Heyser, pursuant to Supreme Court Rule 53.01, Rule 55, Rule 55.33(a), and R.S.Mo. § 213.111 hereby alleges the following in support of his claims for relief:

INTRODUCTION

- 1. In violation of the Missouri Human Rights Act, defendants Quality Trailer Products, LP ("Quality"), Rockwell American Manufacturing ("Rockwell"), Dexter Axle Company ("Dexter") (collectively referred to as "Defendants") subjected Plaintiff to disability discrimination and retaliation in violation of the Missouri Human Rights Act, R.S.Mo. § 213.010 et seq., ("MHRA").
- 2. Plaintiff demands a trial by jury and seeks all relief available, including nominal, compensatory and punitive damages, costs, fees, an enhancement of fees, interest, and equitable relief.
- 3. In the event that Defendants employ less than 500 persons, the MHRA's limitation on "damages for future pecuniary losses emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and punitive damages," R.S.Mo. § 213.111.4(2)(a-d), denies Plaintiff "equal rights and opportunity under the law" and therefore violates Article I, Section 2 of the Missouri Constitution by arbitrarily and capriciously creating

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different classes of people based on the number of persons employed by their employer; as applied to this case it would mean that Plaintiff's damages for emotional distress, humiliation, frustration, and future economic loss are, as a matter of law, worth less than for a person who works for a larger employer, and there is no rational basis for the legislature to classify employees in such a manner; moreover, Defendants' liability for punitive damages would be decided based on the number of its employees instead of the reprehensibility of its conduct and its financial condition and there is no rational basis for the limitations of such damages based on the number of persons employed by Defendants.

PARTIES

- PLAINTIFF MICHAEL HEYSER is an adult male resident and citizen of Missouri.
 - 5. Plaintiff is a "person" as defined by R.S.Mo. § 213.010(15).
 - 6. Plaintiff was employed by Defendants as a Warehouse Manager.
 - 7. In or about Aug. 2011, Plaintiff began employment with Quality.
- 8. In or about Jan. 2013, Rockwell purchased or otherwise merged with Quality, and both employed Plaintiff thereafter.
 - 9. In or about Sept. 2016, Dexter purchased Rockwell and, with it, Quality.
 - 10. After about Sept. 2016, Defendants employed Plaintiff.
 - 11. Defendants employed Plaintiff until approximately April 23, 2018.
- 12. During Plaintiff's employment with Defendants, he worked at Defendants' business facility located at 519 Duck Road, Grandview, MO 64030.
 - 13. **DEFENDANT QUALITY** is a limited partnership formed under Texas law.
 - 14. Quality's principal place of business is located at 604 W. Main Street, Azle, Texas

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76020.

- 15. Quality's corporate headquarters is located at 604 W. Main Street, Azle, Texas 76020.
 - 16. Quality has the same principal place of business as Rockwell.
 - 17. Quality has the same corporate headquarters as Rockwell.
- 18. Throughout Plaintiff's employment with Quality, Quality was a "person" as defined by R.S.Mo. § 213.010(15).
 - 19. Quality employs 501 or more persons.
- 20. Throughout Plaintiff's employment with Quality, Quality employed six or more persons in Missouri.
- 21. Throughout Plaintiff's employment with Quality, Quality was engaged in an industry affecting commerce and employed six or more employees for each working day.
- 22. Throughout Plaintiff's employment with Quality, Quality was an "employer" as defined by R.S.Mo. 213.010(8).
 - 23. Quality conducts ongoing and substantial business in Missouri.
 - 24. Quality employed Plaintiff to perform labor in Missouri.
 - 25. Plaintiff's employment with Quality ended in Missouri.
- 26. Quality is an entity which acts through agents. It is liable for the conduct of its agents acting within the course and scope of their agency, its own negligence, the acts of its agents which it knowingly ratifies, injuries incurred by agents' performance of its non-delegable duties, acts done by agents for which the agency relationship allows or assists the agent to perform, and acts its agents take by virtue of their position with Defendant.
 - 27. **DEFENDANT ROCKWELL** is a partnership incorporated under Texas law.

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- 28. Rockwell's principal place of business is located at 604 W. Main Street, Azle, Texas 76020.
- 29. Rockwell's corporate headquarters is located at 604 W. Main Street, Azle, Texas 76020
- 30. Throughout Plaintiff's employment with 2. Rockwell, 2. Rockwell was a "person" as defined by R.S.Mo. § 213.010(15).
 - 31. Rockwell employs 501 or more persons.
- 32. Throughout Plaintiff's employment with Rockwell, Rockwell employed six or more persons in Missouri.
- 33. Throughout Plaintiff's employment with Rockwell, Rockwell was engaged in an industry affecting commerce and employed six or more employees for each working day.
- 34. Throughout Plaintiff's employment with Rockwell, Rockwell was an "employer" as defined by R.S.Mo. 213.010(8).
 - 35. Rockwell conducts ongoing and substantial business in Missouri.
 - 36. Rockwell employed Plaintiff to perform labor in Missouri.
 - 37. Plaintiff's employment with Rockwell ended in Missouri.
- 38. Rockwell is an entity which acts through agents. It is liable for the conduct of its agents acting within the course and scope of their agency, its own negligence, the acts of its agents which it knowingly ratifies, injuries incurred by agents' performance of its non-delegable duties, acts done by agents for which the agency relationship allows or assists the agent to perform, and acts its agents take by virtue of their position with Defendant.
 - 39. **DEFENDANT DEXTER** is a company incorporated under Delaware law.
 - 40. Dexter's principal place of business is located at 2900 Industrial Parkway East,

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Elkhart, Indiana 46516.

- 41. Dexter's corporate headquarters is located at 2900 Industrial Parkway East, Elkhart, Indiana 46516.
- 42. Throughout Plaintiff's employment with Dexter, Dexter was a "person" as defined by R.S.Mo. § 213.010(15).
 - 43. Dexter employs 501 or more persons.
- 44. Throughout Plaintiff's employment with Dexter, Dexter employed six or more persons in Missouri.
- 45. Throughout Plaintiff's employment with Dexter, Dexter was engaged in an industry affecting commerce and employed six or more employees for each working day.
- 46. Throughout Plaintiff's employment with Dexter, Dexter was an "employer" as defined by R.S.Mo. 213.010(8).
 - 47. Dexter conducts ongoing and substantial business in Missouri.
 - 48. Dexter employed Plaintiff to perform labor in Missouri.
 - 49. Plaintiff's employment with Dexter ended in Missouri.
- 50. Dexter is an entity which acts through agents. It is liable for the conduct of its agents acting within the course and scope of their agency, its own negligence, the acts of its agents which it knowingly ratifies, injuries incurred by agents' performance of its non-delegable duties, acts done by agents for which the agency relationship allows or assists the agent to perform, and acts its agents take by virtue of their position with Defendant.

SUBJECT MATTER JURISDICTION AND VENUE

51. This Court has general original jurisdiction over this case pursuant to article V, section 14 of the Missouri Constitution because this is a civil case.

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52. Pursuant to R.S.Mo. § 213.111.1, venue is proper in this Court because the unlawful discriminatory acts giving rise to Plaintiff's MHRA claims took occurred in Jackson County, Missouri.

FACTUAL ALLEGATIONS

- 53. On or about Aug. 12, 2011, Quality hired Plaintiff for employment.
- 54. In or about Jan. 2013, Quality was purchased by, or otherwise merged, with Rockwell.
- 55. In or about Sept. 2016, Quality and Rockwell were purchased, or otherwise merged, with Dexter.
- 56. From approximately Sept. 2016 until the termination of Plaintiff's employment,

 Defendants controlled the terms and conditions of Plaintiff's employment.
 - 57. Quality issued Plaintiff IRS W-2 forms.
 - 58. Plaintiff reported to the employees of Rockwell and Dexter.
- 59. Dexter supplied Plaintiff's employment benefits through an employer plan and terminated those employment benefits with Plaintiff's termination.
 - 60. In or about April 2017, Plaintiff discovered a lump in throat.
 - 61. Plaintiff sought medical treatment and his medical provider recommended surgery.
- 62. Jay Cagle (management/supervisor) worked with Plaintiff at Defendant's Grandview, Missouri facility.
- 63. Plaintiff told Cagle of his medical condition and requested time off of work for the surgery.
 - 64. Cagle asked Plaintiff to delay the surgery.
 - 65. Plaintiff postponed the surgery at Cagle's request.

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- 66. In approximately May 2017, Robert Strickland became the Regional/Area Manager over Defendants' Grandview, Missouri facility.
 - 67. The lump in Plaintiff's neck continued to grow.
 - 68. Plaintiff lost partial mobility in his neck and shoulder.
- 69. In or about June 2017, Plaintiff's medical provider recommended surgery on the lump as soon as possible.
 - 70. Plaintiff and his medical provider planned the surgery for about mid-July 2017.
 - 71. Plaintiff informed Cagle.
 - 72. Plaintiff also informed Cagle that the mass in Plaintiff's throat could be cancer.
 - 73. Cagle again asked Plaintiff to postpone the surgery.
- 74. Plaintiff contacted his medical provider who urged Plaintiff not to delay the surgery.
- 75. Plaintiff told Cagle that he would not postpone the surgery again and that the decision was based Plaintiff's medical provider's recommendations.
 - 76. Plaintiff requested time off for the surgery.
 - 77. Cagle became angry.
- 78. Cagle told Plaintiff that he would report Plaintiff's physical condition, medical treatment, and request for time off for surgery to Robert Strickland.
- 79. Later, Cagle told Strickland was upset but if Plaintiff needed the time off for surgery then he needed the time off for surgery.
 - 80. On or about July 19, 2017, Plaintiff underwent surgery.
- 81. During or after surgery, Plaintiff went into a coma and remained in a coma for approximately eight days.

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- 82. During the coma, Plaintiff's physical condition prevented him from performing most major life activities including, without limitation, consciousness, communication, mobility, or employment.
- 83. On or about July 27, 2017, Alan Heyser (Plaintiff's brother) informed Strickland and Cagle of Plaintiff's medical treatment, physical condition, and prognosis.
- 84. From approximately July 2017 until approximately Jan. 2018, Dexter provided Plaintiff short-term disability insurance benefits through its employer plan.
- 85. After surgery, Plaintiff's medical providers told him the lump removed from neck was cancerous and that he required chemotherapy and radiation treatments.
- 86. In or about Aug. 2017, Plaintiff informed Strickland and Cagle that he required further surgery for the port placement for chemotherapy, chemotherapy treatments, and radiation treatments.
 - 87. Plaintiff requested time off for the cancer treatments.
- 88. By about Dec. 2017, Plaintiff completed his radiation and chemotherapy treatments, but was experiencing nerve damage and partial paralysis in the right side of his body.
- 89. Plaintiff's medical provider recommended physical therapy but returned Plaintiff to work with restrictions.
 - 90. On or about Jan. 15, 2018, Plaintiff returned to work.
 - 91. Plaintiff provided his medical provider's return-to-work restrictions to Cagle.
 - 92. Cagle allowed Plaintiff to resume his position, but only for a portion of the day.
- 93. Cagle then told Plaintiff that Plaintiff could not work, needed to leave, and not to return until his work restrictions were lifted entirely.
 - 94. Plaintiff told Cagle that he could work so long as the work was within his

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restrictions.

- 95. Cagle told Plaintiff to leave until all his physical restrictions were lifted.
- 96. On Jan. 15, 2018, Plaintiff could have performed the essential functions of his job with reasonable accommodation, but Defendants refused to provide the accommodations.
 - 97. In or about late-Jan. 2018, Plaintiff began physical therapy.
 - 98. On or about April 20, 2018, Plaintiff completed physical therapy.
- 99. On or about April 20, 2018, Plaintiff's treating provider returned to work without restrictions and gave Plaintiff a return-to-work note.
- 100. On or about April 20, 2018, Plaintiff informed Cagle of the completion of physical therapy, his return to work status, and that Plaintiff would report for work the following Monday, April 23.
- 101. On or about April 23, 2018, Plaintiff returned to his position at Defendants' Grandview, Missouri facility.
 - 102. Plaintiff provided Cagle with his treatment provider's return-to-work note.
- 103. Cagle instructed Plaintiff to carry out several work tasks including, without limitation, carrying boxes of papers up a flight of stairs.
 - 104. Cagle watched Plaintiff carry the boxes up the stairs for approximately three trips.
 - 105. After lunch, Cagle called Plaintiff to his office.
 - 106. Cagle had Strickland on the phone.
- 107. Strickland told Plaintiff that his job was eliminated and that he was being terminated from his previous position of Warehouse Manager.
- 108. Strickland told Plaintiff that he could be considered for an Administrative Assistant's position with "Rockwell American."

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- 109. Strickland told Plaintiff the position paid \$16 per hour which was approximately a 40% reduction in pay for Plaintiff.
 - 110. Plaintiff informed Strickland he would have to discuss it with Plaintiff's wife.
- 111. Strickland said, "Fine. But we're looking outside the company. I need to know by 8:00 a.m. tomorrow. Period."
 - 112. Plaintiff was instructed to leave for the day.
 - 113. Later, on or about April 23, 2018, Plaintiff called Strickland.
- 114. Plaintiff told Strickland that he could have performed his job as of Jan. 15, 2018, with reasonable accommodation but Defendants refused to provide accommodations.
- 115. Plaintiff made a complaint of disability discrimination with Strickland and asked how to get in touch with human resources.
 - 116. Strickland told Plaintiff that Human Resources would not overrule him.
- 117. Strickland told Plaintiff that human resources employee he should contact to register his complaint was named *Vahnp*, in the corporate office Texas.
- 118. Plaintiff told Strickland he may not be able to make a decision regarding the Administrative Assistant's position by the next morning and asked if that was a problem.
 - 119. Strickland said it was a problem and that he needed to fill the position.
- 120. On or about April 24, 2018, Plaintiff returned to Defendants' Grandview, Missouri facility.
- 121. Plaintiff asked Cagle if he could be considered for the Administrative Assistant's position for \$18 per hour instead of \$16 per hour.
 - 122. Cagle said if needed to call Strickland.
 - 123. Cagle called Strickland while Plaintiff was approximately 2 or 3 feet away.

EXHIBIT A Page 51 of 89

- 124. During Cagle's call to Strickland, Plaintiff heard Strickland say, "After speaking with him and him accusing me of discrimination, you tell 'no' on the \$18 and we're looking outside the company for this position."
- 125. On or about April 24, 2018, Plaintiff contacted human employees Vahnp L.N.U. by phoning Defendants' corporate office in Texas.
- 126. On or about April 24/25, 2018, Plaintiff made a complaint of discrimination/retaliation by telephone with Defendant's human resources employee, Vahnp.
 - 127. On or about April 27, 2018, Vahnp called Plaintiff with Strickland on the phone.
- 128. Vahnp told Plaintiff he could still be considered for the Administrative Assistant's position.
- 129. Strickland spoke over Vahnp saying, "But the job doesn't pay \$16 an hour anymore. It's \$15 per hour now. And we're going outside the company to fill the position."
- 130. Vahnp then spoke over Strickland asking Plaintiff if they could speak by phone later and the conversation ended.
- 131. On or about April 29, 2018, Plaintiff registered a complaint of discrimination/retaliation with Defendants' human resources employee Vahnp.
 - 132. On or about April 30, 2018, Vahnp contacted Plaintiff by phone.
- 133. Vahnp told Plaintiff that it was clear he did not want the Administrative Assistant's position for \$15.
- 134. Plaintiff told Vahnp that he did not believe he could make it financially on \$15 per hour.
- 135. Vahnp responded by telling Plaintiff she would process his final paycheck and the conversation ended.

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ADMINISTRATIVE PROCEDURES

The Quality Charge, Notice to Defendant, & Right-to-Sue

- 136. On June 22, 2018, Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights against Quality. The Charge was assigned number E-06/18-49657 ("Quality Charge") A copy of the Quality Charge is attached hereto as **Exhibit A** and is incorporated herein by reference.
 - 137. Quality received notice of charge no. E-06/18-49657, the Quality Charge.
- 138. On January 7, 2020, the Missouri Commission on Human Rights issued Plaintiff a right-to-sue notice for the <u>Quality Charge</u> pursuant to the Missouri Human Rights Act. A copy of the notice is attached hereto as **Exhibit B** and incorporated herein by reference.

The Rockwell Charge, Notice to Defendant, & Right-to-Sue

- 139. On June 22, 2018, Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights against Rockwell. The Charge was assigned number E-06/18-49658 ("Rockwell Charge"). A copy of the Rockwell Charge is attached hereto as **Exhibit C** and is incorporated herein by reference.
 - 140. Rockwell received notice of charge no. E-06/18-49658, the Rockwell Charge.
- 141. On January 7, 2020, the Missouri Commission on Human Rights issued Plaintiff a right-to-sue notice for the <u>Rockwell Charge</u> pursuant to the Missouri Human Rights Act. A copy of the notice is attached hereto as **Exhibit D** and incorporated herein by reference.

The **Dexter** Charge & Notice to Defendant

142. On June 22, 2018, Plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights against Dexter. The Charge was assigned number E-06/18-49660 (Dexter Charge"). A copy of the Dexter Charge is attached hereto as **Exhibit E** and is incorporated

EXHIBIT A Page 53 of 89

herein by reference.

- 143. Dexter received notice of charge no. E-06/18-49660, the Dexter Charge.
- 144. Dexter responded to the <u>Dexter Charge</u> by providing information to the Missouri Commission on Human Rights.

Plaintiff's Petition was timely filed

- 145. Plaintiff's <u>Petition</u> was filed on January 11, 2020, which was within 90 days of January 7, 2020.
- 146. Plaintiff's <u>Petition</u> was filed within two years of the discrimination alleged herein.

Right-to-Sue on the <u>Dexter Charge</u>, Relation Back, & Timely Amendment to the <u>Petition</u>

- 147. On January 15, 2020, the Missouri Commission on Human Rights issued Plaintiff a right-to-sue notice for the <u>Dexter Charge</u> pursuant to the Missouri Human Rights Act. A copy of the notice is attached hereto as **Exhibit F** and incorporated herein by reference.
- 148. This <u>First Amended Petition</u> was filed on January 31, 2020 pursuant to Supreme Court Rule 55.33(a); as of January 31, 2020, there has no responsive pleading filed or served in this case in response to the Petition.
- 149. The <u>First Amended Petition</u> does not asset any new claims that were not alleged in the original <u>Petition</u>; however, all facts alleged herein arise out of the same conduct, transitions, and occurrence that were set forth in the original <u>Petition</u>.

COUNT I

Missouri Human Rights Act –R.S.Mo. § 213.055 Disability Discrimination (Against all Defendants)

- 150. Plaintiff incorporates by reference all other paragraphs in this Petition.
- 151. Plaintiff has a disability as defined by R.S.Mo. § 213.010(5).
- 152. Plaintiff has a disability of which Defendants were aware and/or Defendants

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regarded Plaintiff as being disabled.

- 153. Defendants told Plaintiff that his position as Warehouse Manager was eliminated and terminated him from the position of Warehouse Manager because of his disability.
- 154. Defendants told Plaintiff he could be "considered for" an administrative assistant's position at almost half of his previous salary because of his disability.
 - 155. Defendants constructively discharged Plaintiff because of his disability.
- 156. Defendants' above-referenced discrimination directly caused or directly contributed to cause Plaintiff damages, including economic damages, humiliation, frustration, degradation and unnecessary hardship.
- 157. The actions and conduct set forth herein demonstrate a reckless indifference or conscious disregard for the rights of Plaintiff and others. Therefore, Plaintiff is entitled to punitive damages from Defendants, to punish Defendants and to discourage others from engaging in similar unlawful conduct.

WHEREFORE, Plaintiff prays for judgment against Defendants on Count I of his Petition, for a <u>Judgment</u> finding Defendants discriminated against Plaintiff in violation of R.S.Mo. § 213.055 and awarding Plaintiff nominal or compensatory damages, punitive damages in an amount that is fair and reasonable, costs, attorney fees, an enhancement of attorney fees, all recoverable interest, expert fees, travel expenses, and all other equitable relief the Court is permitted to grant Plaintiff to remedy Defendants' violations of the MHRA.

COUNT II

Missouri Human Rights Act – R.S.Mo. § 213.055 Disability Discrimination – Failure to Accommodate (Against all Defendants)

- 158. Plaintiff incorporates by reference all other paragraphs in this <u>Petition</u>.
- 159. Plaintiff requested reasonable accommodations.

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- 160. Plaintiff requested an accommodation in the form a job restructuring conforming with his return-to-work restrictions and physical limitations.
- 161. Plaintiff could have performed the essential functions of the job had Defendants provided him this accommodation.
 - 162. Defendants could have reasonably provided Plaintiff this accommodation.
- 163. Defendants failed to provide Plaintiff the accommodation of restructuring his job to conform to his restrictions and physical limitations.
- 164. Defendants' failure to provide Plaintiff with this reasonable accommodation caused or directly contributed to cause Plaintiff damage.
- 165. The actions and conduct set forth herein were outrageous and demonstrate Defendant's reckless indifference or conscious disregard for the rights of Plaintiff and others, rendering Defendants liable for punitive damages in an amount that is fair and reasonable to punish Defendants and to deter Defendants and others from repeating this sort of misconduct.

WHEREFORE, Plaintiff prays for a judgment against Defendants on Count II of his Petition, for a <u>Judgment</u> finding Defendants discriminated against Plaintiff in violation of R.S.Mo. § 213.055 and awarding Plaintiff nominal or compensatory damages, punitive damages in an amount that is fair and reasonable, costs, attorney fees, an enhancement of attorney fees, all recoverable interest, expert fees, travel expenses, and all other equitable relief the Court is permitted to grant Plaintiff to remedy Defendants' violations of the MHRA.

COUNT III

Missouri Human Rights Act – R.S.Mo. § 213.070 Retaliation (Against all Defendants)

- 166. Plaintiff incorporates by reference all other paragraphs in this <u>Petition</u>.
- 167. Plaintiff's requests for accommodations were protected activities.

EXHIBIT A Page 56 of 89

- 168. Plaintiff complaints of discrimination and retaliation were protected activities.
- 169. Defendants told Plaintiff his position as Warehouse Manager was eliminated because of his accommodation requests; *i.e.*, protected activity.
- 170. Defendant terminated Plaintiff's employment as the Warehouse Manager because of Plaintiff's accommodation requests; *i.e.*, protected activity.
- 171. Defendants told Plaintiff he could be "considered for" an administrative assistant's position at almost half of his previous salary because of his accommodation requests; *i.e.*, protected activity.
- 172. Defendants told Plaintiff they "were going outside the company" to fill the administrative assistant's position because of Plaintiff's discrimination complaints; *i.e.*, protected activity.
- 173. Defendants rescinded the offer to consider Plaintiff for the Administrative Assistant position because of Plaintiff's discrimination complaints; *i.e.*, protected activity.
- 174. Defendants told Plaintiff the pay for the administrative assistant's position was being reduced from \$16 per hour to \$15 per hour because Plaintiff's discrimination complaints; *i.e.*, protected activity.
- 175. Defendants constructively discharged Plaintiff because of his accommodation requests and complaints of discrimination; *i.e.*, protected activities.
- 176. The above-referenced retaliation caused or directly contributed to cause him damages, including economic injury and distress, humiliation, unnecessary hardship, frustration, and degradation.
- 177. The actions and conduct set forth herein were outrageous and demonstrate Defendant's reckless indifference or conscious disregard for the rights of Plaintiff and others,

EXHIBIT A Page 57 of 89

rendering Defendant liable for punitive damages in an amount that is fair and reasonable to punish

Defendant and to deter Defendant and others from repeating this sort of misconduct.

WHEREFORE, Plaintiff prays for a judgment against Defendants on Count III of his Petition, for a <u>Judgment</u> finding Defendants retaliated against Plaintiff in violation of R.S.Mo. § 213.070 and awarding Plaintiff nominal or compensatory damages, punitive damages in an amount that is fair and reasonable, costs, attorney fees, an enhancement of attorney fees, all recoverable interest, expert fees, travel expenses, and all other equitable relief the Court is permitted to grant Plaintiff to remedy Defendants' violations of the MHRA.

Respectfully Submitted,

RALSTON KINNEY, LLC

/s/ Kenneth D. Kinney

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

Tel: (816) 298-0086 Fax: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A Page 58 of 89

1st Amended Petition - EXHIBIT A

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			EPA E	CHARGE N -06 18-1 8 E-2018	UMBER 49657 2-01188C
Mis	ssouri Commission on	Human R			
1	Equal Employment Opportur	nity Commissi	on		
NAME(Indicate Mr., Ms., Mrs.) Michael L. Heyser		HOME TELEPH	ONE (Include A	rea Code) DACTED	
STREET ADDRESS REDACTE Avenue	Belton,	AND ZIP CODE MO 64012			DATE OF REDACTI
NAMED IS THE EMPLOYER, LABOR ORGANGENCY WHO DISCRIMINATED AGAINST	ANIZATION, EMPLOYMENT AGENCY, A	PPRENTICESHIP CO	MMITTEE, ST	ATE OR LOCAL GO	OVERNMENT
NAME Quality Trailer Product, L.P.	NUMBER OF EMPLOYEES, MEMBER.	S	TEL	EPHONE (Include A	rea Code)
	15+			(816) 761	-3666
STREET ADDRESS 519 Duck Road		AND ZIP CODE v, MO 64030			COUNTY Jackson
Rockwell American, Polar Corp and Doxter Axie T	oration, Dexter Axle Company rucking-Company	TELEPHONE NUMBER (Include Area Code) Rockwell: (817) 444-4518 Polar: (320) 746-3401 Dexter Axle: (574) 295-7888 Dexter Axle Trucking: (574) 295-7888			8
STREET ADDRESS Rockwell Co. Main Street, Palar Gorp. 1015 West-Saint Ger Dexter Axla Tancking: (Sorra Regi Dexter Axla Gompany (Serve Regi	Azie, 1747 6020 Amain, Ste 420p St. Gloud, MN 5 Stered Agent) CT Corporation Syste	m 120 S. Centra	il Ave., Clay Clayton, MG	t on, MO 63105	COUNTY
	Check appropriate box(es)) SEX RELIGION TIONAL X DISABILITY	AGE Other		CRIMINATION TO (ADEA/EPA) Approx. CONTINUING A	April 23, 2018
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I declare under penalty of perjury that the forego Date 6-22-2018 Carging Kar	ing is true and correct.	SNATTRE OF COME BSCRIBED AND SW y, month, and year)	PLAINANT	ILEI	8 e nan Rights

EXHIBIT A Page 59 of 89

1st Amended Petition - EXHIBIT B



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

MISSOURI COMMISSION ON HUMAN RIGHTS

EL L. PARSON ANNA S. HUI
GOVERNOR DEPARTMENT DIRECTOR

Martha Staggs
Commission Chairperson

ALISA WARREN, Ph.D. EXECUTIVE DIRECTOR



NOTICE OF RIGHT TO SUE

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS, L.P. E-06/18-49657 28E-2018-01188C

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your compliant in state circuit court. THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,				
Alisa Warren, Ph.D. Executive Director			January 7, 2020 Date	
C: additional contact	cts listed on next page			
\boxtimes				
3315 W. TRUMAN BLVD. P.O. Box 1129 JEFFERSON CITY, MO 65102-1129 PHONE: 573-751-3325 Missouri Commission on Huma	111 N. 7TH STREET, SUITE 903 ST. LOUIS, MO 63101-2100 PHONE: 314-340-7590 FAX: 314-340-7238 In Rights is an equal opportunity emp	P.O. Box 1300 Ozark, MO 65721-1300 loyer/program. Auxiliary aides an -800-735-2966 (TDD) - Relay	1410 GENESSEE, SUITE 260 KANSAS CITY, MO 64102 FAX: 816-889-3582 and services are available upon request to	106 ARTHUR STREET SUITE D SIKESTON, MO 63801-5454 FAX: 573-472-5321 o individuals with disabilities.

E-Mail: mchr@labor.mo.gov

www.labor.mo.gov/mohumanrights

EXHIBIT A Page 60 of 89

1st Amended Petition - EXHIBIT B

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS, L.P. E-06/18-49657 28E-2018-01188C

QUALITY TRAILER PRODUCTS, L.P. 519 Duck Road Grandview, MO 64030

Jennifer Bickley Hull ATTORNEY AT LAW 110 W. Berry Street, Suite 2400 Fort Wayne, IN 46802

Thomas F. Ralston ATTORNEY AT LAW 4717 Grand Avenue, Suite 250 Kansas City, MO 64112

EXHIBIT A Page 61 of 89

1st Amended Petition - EXHIBIT C

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		AGENCY FEPA	00000	MBER 1658 01189C	
Mis	souri Commission on l	Human Rig	hts		
E	qual Employment Opportuni	ity Commission			
NAME(Indicate Mr., Ms., Mrs.) Michael L. Heyser		HOME TELEPHON	E (Include Area Code) REDACTED		
STREET ADDRESS	CITY, STATE	AND ZIP CODE		DATE OF	
DACTED Avenue	Belton, I	VIO 64012	RED	ACTED	
NAMED IS THE EMPLOYER, LABOR ORGA AGENCY WHO DISCRIMINATED AGAINST		PRENTICESHIP COM	MITTEE, STATE OR LOCAL GO	VERNMENT	
NAME	NUMBER OF EMPLOYEES, MEMBERS		TELEPHONE (Include Ar	clude Area Code)	
Quality Trainer & routice, Line	15+		(816) 761-	3666	
STREET ADDRESS		AND ZIP CODE		COUNTY	
510 P. d. Dood	Grandview	MO-643 0	441	Jackson	
Rockwell American, Polar-Corp		Rockwell: (81 Polar: (320) 7 Deuter Sele: (Deuter Axle T	46-3401	COUNTY	
Benter Arie Company: (Serve Regi	istered Agent) The Corporation Co., 12	m, 120 S. Central 20 S. Central Ave., C	layton, MO 63105		
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EXHIBIT A Page 62 of 89

1st Amended Petition - EXHIBIT D



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

MISSOURI COMMISSION ON HUMAN RIGHTS

ANNA S. HUI DEPARTMENT DIRECTOR

Martha Staggs COMMISSION CHAIRPERSON ALISA WARREN, Ph.D. EXECUTIVE DIRECTOR



NOTICE OF RIGHT TO SUE

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS D/B/A ROCKWELL AMERICAN E-06/18-49658 28E-2018-01189C

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your compliant in state circuit court. THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,				
Alisa Warren, Ph.D. Executive Director			January 7, 2020 Date	
C: additional contac	ts listed on next page			
\boxtimes				
3315 W. TRUMAN BLVD. P.O. BOX 1129 JEFFERSON CITY, MO 65102-1129 PHONE: 573-751-3325 Missouri Commission on Huma.	111 N. 7TH STREET, SUITE 903 ST. LOUIS, MO 63101-2100 PHONE: 314-340-7590 FAX: 314-340-7238 In Rights is an equal opportunity emp TDD/TTY: 1 www.labor.mo.gov/	-800-735-2966 (TDD) Relay	1410 GENESSEE, SUITE 260 KANSAS CITY, MO 64102 FAX: 816-889-3582 and service a vailable upon request to Missouri: 711 hchr@labor.mo.gov	106 ARTHUR STREET SUITE D SIKESTON, MO 63801-5454 FAX: 573-472-5321 o individuals with disabilities.

www.labor.mo.gov/mohumanrights

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1st Amended Petition - EXHIBIT D

RE: Michael L. Heyser vs. QUALITY TRAILER PRODUCTS D/B/A ROCKWELL AMERICAN E-06/18-49658 28E-2018-01189C

QUALITY TRAILER PRODUCTS D/B/A ROCKWELL AMERICAN 604 West Main Street Azle, TX 76020

Jennifer Bickley Hull ATTORNEY AT LAW 110 W. Berry Street, Suite 2400 Fort Wayne, IN 46802

Thomas F. Ralston ATTORNEY AT LAW 4717 Grand Avenue, Suite 250 Kansas City, MO 64112

EXHIBIT A Page 64 of 89

1st Amended Petition - EXHIBIT E

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form,		AGENCY FEPA	20 5 2 0	19660
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E	qual Employment Opportun	ity Commission	1	
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NAME	NUMBER OF EMPLOYEES, MEMBERS		TELEPHONE (Include	Area Code)
Quality Trailer Product, L.T.	15+		(816) 76	1-3666
STREET ADDRESS		AND ZIP CODE		COUNTY
S10-Duck Road NAME	Grandview	, MO 64030	ABER (Include Area Code)	Jackson
and Dexter Axle To				88
Rockerell: 604 Wr Main Street, F Polar Gorp: 1015 West Saint G Dexter Axle Trucking: (Serve Regi Dexter Axle Company: (Serve Regi	stered Agent) CT Corporation Syste	m, 120 S. Central		5
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EXHIBIT A Page 65 of 89

1st Amended Petition - EXHIBIT F

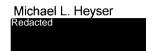


MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

MISSOURI COMMISSION ON HUMAN RIGHTS

DEPARTMENT DIRECTOR

Martha Staggs COMMISSION CHAIRPERSON ALISA WARREN, PH.D. **EXECUTIVE DIRECTOR**



NOTICE OF RIGHT TO SUE

RE: Michael L. Heyser vs. DEXTER AXLE TRUCKING ET AL E-06/18-49660 28E-2018-01191C

Anna S. Hui

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your compliant in state circuit court. THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,				
and the				
Alisa Warren, Ph.D. Executive Director			January 15, 2020 Date	
C: additional conta	cts listed on next page			
\boxtimes				
3315 W. TRUMAN BLVD. P.O. BOX 1129 JEFFERSON CITY, MO 65102-1129 PHONE: 573-751-3325	111 N. 7TH STREET, SUITE 903 ST. LOUIS, MO 63101-2100 PHONE: 314-340-7590 FAX: 314-340-7238	P.O. Box 1300 Ozark, MO 65721-1300	1410 GENESSEE, SUITE 260 KANSAS CITY, MO 64102 FAX: 816-889-3582	106 ARTHUR STREET SUITE D SIKESTON, MO 63801-5454 FAX: 573-472-5321
Missouri Commission on Humo	an Rights is an equal opportunity emp TDD/TTY: 1	loyer/program. Auxiliary aides ar -800-735-2966 (TDD) Relay	nd services are available upon request to Missouri: 711) inaiviauais wiin aisabiillies.

www.labor.mo.gov/mohumanrights

E-Mail: mchr@labor.mo.gov

EXHIBIT A Page 66 of 89

1st Amended Petition - EXHIBIT F

RE: Michael L. Heyser vs. DEXTER AXLE TRUCKING ET AL E-06/18-49660 28E-2018-01191C

DEXTER AXLE TRUCKING ET AL Registered Agent: Ct Corporation System 120 S. Central Avenue Clayton, MO 63105

Jennifer Bickley Hull ATTORNEY AT LAW 110 W. Berry Street, Suite 2400 Fort Wayne, IN 46802

Thomas F. Ralston ATTORNEY AT LAW 4717 Grand Avenue, Suite 250 Kansas City, MO 64112

EXHIBIT A Page 67 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)	
Plaintiff)	
VS.)	Case No. 2016-CV01038
)	
QUALITY TRAILER PRODUCTS, LP,)	Division 12
ROCKWELL AMERICAN MANUFACTURING	,)	
and DEXTER AXLE COMPANY)	
Defendants)	

PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO SERVE SUMMONSES

Pursuant to Rule 54.21, Plaintiff, by and through counsel, requests an extension of time to serve the summonses issued for Defendants Quality Trailer Products, LP ("Quality"), Rockwell American Manufacturing ("Rockwell") and Dexter Axle Company ("Dexter"). Plaintiff states the following in support:

- 1. This is a Missouri Human Rights Act case; the MHRA requires aggrieved persons to go through the administrative process and obtain a right-to-sue notice.
- 2. On January 11, 2020, Plaintiff filed his <u>Petition</u>. By that date, Plaintiff had only received right-to-sue notices for Defendants Quality and Rockwell.
 - 3. On January 14, 2020, the Court issued summons for all three Defendants.
- 4. A summons must be served within 30 days of its issuance. *See* Rule 54.21. Thirty days after January 14, 2020 is February 13, 2020.
- 5. Supreme Court Rule 54.21 provides that "the time for service [of a summons] may be extended up to ninety days from the date of issue by order of the court." Rule 54.21. Plaintiff respectfully requests the Court extend the deadline to serve the summonses until **March 13, 2020** (59 days after the date the summonses were issued) based on the good cause shown below:
 - 6. On January 15, 2020, the Missouri Commission on Human Rights issued Plaintiff

EXHIBIT A Page 68 of 89

a right-to-sue notice for Defendant Dexter.

- 7. On January 31, 2020, Plaintiff filed his <u>First Amended Petition</u> to include the newly issued right-to-sue notice for Dexter.
- 8. Defendant Rockwell does not maintain a registered agent in Missouri and Plaintiff must be served in the State of Texas.
- 9. Plaintiff's present request is not intended to delay these proceedings and should not prejudice any party or the Court.
 - 10. The Case Management Conference in this matter is set for May 4, 2020.

WHEREFORE, Plaintiff respectfully requests that the time for service of the summonses issued to Defendants January 14, 2020 be extended until March 13, 2020.

Respectfully Submitted,

RALSTON KINNEY, LLC

By: /s/ Kenneth D. Kinney

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

TEL: (816) 298-0086 FAX: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2020, a PDF copy of the foregoing was filed with the Court via CaseNet and will be served on Defendants along with the summons and other papers required for service.

/s/ Kenneth D. Kinney

ATTORNEY FOR PLAINTIFF

EXHIBIT A Page 69 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)	
Plaintiff)	
vs.)	Case No. 2016-CV01038
)	
QUALITY TRAILER PRODUCTS, I	.P,)	Division 12
ROCKWELL AMERICAN MANUFA	ACTURING,)	
and DEXTER AXLE COMPANY)	
Defenda	ents)	
	ORDER	

Before the Court is <u>Plaintiff's Motion for Extension of Time to Serve Summonses</u>, which was filed on January 31, 2020. Having reviewed the motion, the applicable authority, and the relevant circumstances, Plaintiff's motion is hereby GRANTED. Plaintiff shall have until March 13, 2020 to serve the summonses issued by the Court on January 14, 2020.

IT IS SO ORDERED.

Date JENNIFER PHILLIPS, Circuit Judge

EXHIBIT A Page 70 of 89

Proposed Order Submitted By:

RALSTON KINNEY, LLC

/s/ Kenneth D. Kinney

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

TEL: (816) 298-0086 FAX: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2020, a PDF copy of the foregoing was filed with the Court via CaseNet and will be served on Defendants along with the summons and other papers required for service.

/s/ Kenneth D. Kinney

ATTORNEY FOR PLAINTIFF

EXHIBIT A Page 71 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)	
	Plaintiff)	Case No. 2016-CV01038
vs.)	Division: 12
QUALITY TRAILER PRO	ODUCTS, LP, ET AL.))	I I I 'C DI'II'
	Defendants)	Judge Jennifer Phillips

MOTION FOR SPECIAL PROCESS SERVER

COMES NOW Plaintiff, by and through counsel, and pursuant to Local Rule 4.9 and Supreme Court Rules 54.13, hereby moves the Court for its Order appointing Jeffrey B. Aronson, PPS20-0613, as private process server to serve Defendants Quality Trailer Products, LP and Dexter Axle Company, in this case. Mr. Aronson is over the age of 18, is not a party to this action, currently appears on the Court's "Private Process Server Approval List" and has been prequalified to serve process for cases pending in the Sixteenth Judicial Circuit.

Respectfully Submitted,

RALSTON KINNEY, LLC

/s/ Thomas F. Ralston

Tel: (816) 298-0086

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

Fax: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A Page 72 of 89

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, a PDF copy of the foregoing was filed with the Court via CaseNet and will be served on Defendants along with the summons and other papers required for service.

/s/ Thomas F. Ralston

ATTORNEY FOR PLAINTIFF

EXHIBIT A Page 73 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)
Plaintiff vs. QUALITY TRAILER PRODUCTS, I Defenda	Division: 12 P, ET AL. Judge Jennifer Phillips
ORDER APPOIN	TING SPECIAL PROCESS SERVER
It is hereby ordered that Plain	tiff's Motion for Appointment of Private Process Server is
sustained and Jeffrey B. Aronson (PPS	S20-0613) is hereby appointed to serve process in the above
captioned matter.	

Date

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, a PDF copy of the foregoing was filed with the Court via CaseNet and will be served on Defendants along with the summons and other papers required for service.

/s/ Thomas F. Ralston

JUDGE OR CLERK OF THE COURT

EXHIBIT A Page 74 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)
Plaintiff) Case No. 2016-CV01038
VS.) Case No. 2010-C v01038
) Division: 12
QUALITY TRAILER PRODUCTS, L	P, ET AL.) Judge Jennifer Phillips
Defenda	, 8

ORDER APPOINTING SPECIAL PROCESS SERVER

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and Jeffrey B. Aronson (PPS20-0613) is hereby appointed to serve process in the above captioned matter.

11-Feb-2020 **Date**

DEPUTY COURT ADMINISTRATOR

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, a PDF copy of the foregoing was filed with the Court via CaseNet and will be served on Defendants along with the summons and other papers required for service.

/s/ Thomas F. Ralston

EXHIBIT A Page 75 of 89



Mileage

suits, see Supreme Court Rule 54.

IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV01038
Plaintiff/Petitioner: MICHAEL HEYSER vs.	Plaintiff's/Petitioner's Attorney/Address THOMAS F RALSTON 4717 GRAND AVE SUITE 250 KANSAS CITY, MO 64112
Defendant/Respondent: QUALITY TRAILER PRODUCTS, LP Nature of Suit: CC Employmnt Discrimin 213.111	Court Address: 308 W Kansas INDEPENDENCE, MO 64050

(Date File Stamp)

	Summons	in Civil Case	(Date Fig	
The State of Missouri to: THE CORPORATION COMPANY 120 S CENTRAL AVE CLAYTON, MO 63105	DEXTER AXLE COMPANY Alias:	PRIVATE PRO	CESS SERVER	}
JACKSON COUNTY	You are summoned to appear which is attached, and to serve a co above address all within 30 days af file your pleading, judgment by def 11-FEB-2020 Date Further Information:	ter receiving this summons, excl	torney for Plaintiff/Petitioner usive of the day of service. It	r at the f you fail to
I certify that I have served the delivering a copy of the sum leaving a copy of the sumn	mons should be returned to the court was above summons by: (check one) mmons and a copy of the petition to the nons and a copy of the petition at the d	e Defendant/Respondent. welling place or usual abode of th of the Defendant's/Respondent's	e Defendant/Respondent with family over the age of 15 year	rs who(title).
Served at 120 S. CENTRA in ST. LOUIS JEFFREY B. ARDNS Printed Name of S	Sheriff or Server	MO, on 2/12/2020	(date) at 12:42 P.M.	(address)
Notary Public, Notary S	29-2020	EBENDRY 12th 2020	(date). Notary Public	

OSCA (7/2018) SM30 (JAKSMCC) For Court Use Only: Document Id # 20-SMCC-1287 1 of 1Civil Procedure Form No. 1, Rules 54.01 – 54.05, 54.13, and 54.20; 506.120 – 506.140, and 506.150 RSMo

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of

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EXHIBIT A Page 76 of 89



Supplemental Surcharge

suits, see Supreme Court Rule 54.

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10.00

IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV01038
Plaintiff/Petitioner: MICHAEL HEYSER vs.	Plaintiff's/Petitioner's Attorney/Address THOMAS F RALSTON 4717 GRAND AVE SUITE 250 KANSAS CITY, MO 64112
Defendant/Respondent: QUALITY TRAILER PRODUCTS, LP	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Employmnt Discrmntn 213.111	INDELETION, MO 04030

(Date File Stamp)

THE CORPORATION COMPANY 120 S CENTRAL AVE CLAYTON, MO 63105 You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail file your pleading, judgment by default may be taken against you for the refief demanded in the petition. Sheriff's or Server's Return	
which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail file your pleading, judgment by default may be taken against very for the ratief demanded in the petition. 11-FEB-2020 Date Sheriff's or Server's Return Note to serving officer: Summons should be returned to the court within thirty days after the date of issue. I certify that I have served the above summons by: (check one) delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with	
Note to serving officer: Summons should be returned to the court within thirty days after the date of issue. I certify that I have served the above summons by: (check one) delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with	to
I certify that I have served the above summons by: (check one) delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with	
remanently resides with the Defendant/Respondent. (for service on a corporation) delivering a copy of the summons and a copy of the petition to	
BONNIE LOVE, (name) P.A., THE CORPORATION COMPANY (title).	
Served at 120 5. CENTRAL AUE. CLAYTON, MISSOUFI 63105 (address) in 57. LOUIS (County/Gity.ofs. Louis), MO. on 2/12/2020 (date) at 12:42 p.M. (firm	
in 57. LOUIS (County City of St. Louis), MO, on 2/12/2020 (date) at 12.42 p.m. (time of St. Louis Name of Sheriff or Server CARLA WALKER Must be swon before a notary public if not served by an authorized officer: Notary Public, Notary Substribed and sworn to before me on EBBLOCKY 12th 7020 (date). (Stable of Missouri St. Louis County My commission expires: March 29, 2020 (Date) Commission # 12342042 My Commission Expires 03-29-2020 Summons Non Est Sheriff's Deputy Salary	e).

OSCA (7/2018) SM30 (JAKSMCC) For Court Use Only: Document Id # 20-SMCC-1287 1 of 1Civil Procedure Form No. 1, Rules 54.01 – 54.05, 54.13, and 54.20; 506.120 – 506.140, and 506.150 RSMo

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of

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EXHIBIT A Page 77 of 89



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV01038
Plaintiff/Petitioner: MICHAEL HEYSER vs.	Plaintiff's/Petitioner's Attorney/Address THOMAS F RALSTON 4717 GRAND AVE SUITE 250 KANSAS CITY, MO 64112
Defendant/Respondent: QUALITY TRAILER PRODUCTS, LP	Court Address: 308 W Kansas
Nature of Suit: CC Employmnt Discrimitin 213.111	INDEPENDENCE, MO 64050

(Date File Stamp)

	Summons in (Civil Case		
The State of Missouri to: CT CORPORATION SYSTEM 120 S CENTRAL AVE CLAYTON, MO 63105	QUALITY TRAILER PRODUCTS, LP Alias:	PRIVATE	PROCESS S	ERVER
COURT SEAL OF	You are summoned to appear before which is attached, and to serve a copy of above address all within 30 days after refile your pleading, judgment by default not be above. 11-FEB-2020 Date	your pleading upon the acceiving this summons, exc	torney for Plaintiff/Petiti lusive of the day of servic	oner at the e. If you fail to
JACKSON COUNTY	Further Information:			
	Sheriff's or Serve	er's Return		
Note to serving officer: Sum	amons should be returned to the court within t	Paris and	issue.	
	above summons by: (check one)			
permanently resides with	mons and a copy of the petition at the dwellin a person of the the Defendant/Respondent. on) delivering a copy of the summons and a copy	e Defendant's/Respondent'	s family over the age of 15	years who(title),
other				
in_ST. LOUIS JEFFLEY B. ARD CARLA WALKER	Short of Server Must be sworn before a notary public if no	t served by an authorized	(date) at 12 742 p	(address)
	Subscribed and sworn to before me on FE6 My commission expires: 1 ARCH ZE1, 20 Date		(date). Notary Public	2
Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge Mileage Total A copy of the summons and	\$a copy of the petition must be served on each	per mile)	For methods of service on	all classes of

OSCA (7/2018) SM30 (JAKSMCC) For Court Use Only: Document 1d # 20-SMCC-1286 1 of 1Civil Procedure Form No. 1, Rules 54.01 – 54.05, 54.13, and 54.20; 506.120 – 506.140, and 506.150 RSMo

EXHIBIT A Page 78 of 89



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV01038	
Plaintiff/Petitioner: MICHAEL HEYSER vs.	Plaintiff's/Petitioner's Attorney/Address THOMAS F RALSTON 4717 GRAND AVE SUITE 250 KANSAS CITY, MO 64112	
Defendant/Respondent: QUALITY TRAILER PRODUCTS, LP	Court Address: 308 W Kansas	
Nature of Suit: CC Employmnt Discrmntn 213.111	INDEPENDENCE, MO 64050	(Date

File Stamp)

	Summons in Cir	vil Case		
The State of Missouri to: CT CORPORATION SYSTEM 120 S CENTRAL AVE CLAYTON, MO 63105	QUALITY TRAILER PRODUCTS, LP Alias:	PRIVATE	PROCESS	SERVER
COURT SEAL OF	You are summoned to appear before the which is attached, and to serve a copy of you above address all within 30 days after receive file your pleading, judgment by default may 11-FEB-2020 Date	r pleading upon the a ing this summons, exc	torney for Plaintiff/Pelusive of the day of se	etitioner at the rvice. If you fail to
JACKSON COUNTY	Further Information:			
	Sheriff's or Server's	Return	·	
Note to serving officer: Sum	amons should be returned to the court within thir	y days after the date of	issue.	
	above summons by: (check one)			
permanently resides with	the Defendant/Respondent. on) delivering a copy of the summons and a cop	efendant's/Respondent'	s family over the age o	f 15 years who
other				
Served at 120 S. CENTA	AL AVE. , CLAYTON, MISSOUR	63105		(address)
in ST. LOUIS JEFFLEY B. ARD CARLA WALKER Notary Public, Notary September of Missouri	(County) City of St. Louis), MO, on The St. L	ryod by an authorized	gnature of Sheriff or Serve officer: (date). Notary Pub	er
Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge Mileage Total A copy of the summons and suits, see Supreme Court Rul	\$		For methods of service	e on all classes of

OSCA (7/2018) SM30 (JAKSMCC) For Court Use Only: Document 1d # 20-SMCC-1286 1 of 1Civil Procedure Form No. 1, Rules 54.01 – 54.05, 54.13, and 54.20; 506.120 – 506.140, and 506.150 RSMo

EXHIBIT A Page 79 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)	
Plaintiff)	
VS.) Case No. 2016	5-CV01038
QUALITY TRAILER PRODUCTS, LP, ROCKWELL AMERICAN MANUFACTURING, and DEXTER AXLE COMPANY Defendants) Division 12))	FILED DIVISION 12 19-Feb-2020 17:13
ORDE	R	CIRCUIT COURT OF JACKSON COUNTY, MO BY Erica & Shark

Before the Court is <u>Plaintiff's Motion for Extension of Time to Serve Summonses</u>, which was filed on January 31, 2020. Having reviewed the motion, the applicable authority, and the relevant circumstances, Plaintiff's motion is hereby GRANTED. Plaintiff shall have until March 13, 2020 to serve the summonses issued by the Court on January 14, 2020.

IT IS SO ORDERED.

19-Feb-2020

Date

JENNIFER PHILLIPS, Circuit Judge

EXHIBIT A Page 80 of 89

CERTIFICATE OF MAILING

It is hereby certified	that a cop	by of the forgoing	was sent via the E-Filin	g System and/or	U.S. Mail, postage
pre-paid, this <u>19th</u>	day of	February	, 2020, to all attorne	ys of record.	

Erica L Stank Law Clerk

EXHIBIT A Page 81 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

MICHAEL HEYSER)	
P	laintiff)	Case No. 2016-CV01038
VS.)	Division: 12
QUALITY TRAILER PRODU	CTS, LP, ET AL.)	Judge Jennifer Phillips
D	efendants)	Judge Jemmer 1 mmps

MOTION FOR SPECIAL PROCESS SERVER

COMES NOW Plaintiff, by and through counsel, and pursuant to Local Rule 4.9 and Supreme Court Rules 54.13, hereby moves the Court for its Order appointing Julia Fowler as private process server to serve Defendant Rockwell American Manufacturing, in this case. Ms. Fowler is over the age of 18 and is not a party to this action. Ms. Fowler does not currently appear on the Court's "Private Process Server Approval List" but has executed the attached affidavit (Exhibit A) swearing to her qualifications to serve process in the state of Texas.

Respectfully Submitted,

RALSTON KINNEY, LLC

/s/ Thomas F. Ralston

Thomas F. Ralston, MO #61052 Kenneth D. Kinney, MO #67435 4717 Grand Avenue, Suite 250

Tel: (816) 298-0086 Fax: (816) 298-9455 Email: tom@rklawllc.com Email: ken@rklawllc.com

Liliali. Reli@ikiawiie.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT A Page 82 of 89

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2020, a PDF copy of the foregoing was filed with the Court via CaseNet and will be served on Defendants along with the summons and other papers required for service.

/s/ Thomas F. Ralston

ATTORNEY FOR PLAINTIFF

EXHIBIT A Page 83 of 89

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

sustained and Julia Fowler is hereby appointed to	serve process in the above captioned matter.
ORDER APPOINTING SPECE It is hereby ordered that Plaintiff's Motion	CIAL PROCESS SERVER n for Appointment of Private Process Server is
QUALITY TRAILER PRODUCTS, LP, ET AL. Defendants	 Division: 12 Judge Jennifer Phillips
Plaintiff vs.) Case No. 2016-CV01038
MICHAEL HEYSEK)

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2020, a PDF copy of the foregoing was filed with the Court via CaseNet and will be served on Defendants along with the summons and other papers required for service.

/s/ Thomas F. Ralston

ATTORNEY FOR PLAINTIFF

FILED DIVISION 12
02-Mar-2020 16:17
CIRCUIT COURT OF JACKSON COUNTY, MO BY Erica & Brack

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

)

MICHAEL HEYSER

02-Mar-2020 Date JUD6	GE OR CLERK OF THE COURT
ORDER APPOINTING SPEC	n for Appointment of Private Process Server is
Plaintiff vs. QUALITY TRAILER PRODUCTS, LP, ET AL. Defendants	Case No. 2016-CV01038 Division: 12 Judge Jennifer Phillips
	\



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2016-CV01038
Plaintiff/Petitioner: MICHAEL HEYSER vs.	Plaintiff's/Petitioner's Attorney/Address: THOMAS F RALSTON 4717 GRAND AVE SUITE 250 KANSAS CITY, MO 64112
Defendant/Respondent: QUALITY TRAILER PRODUCTS, LP Nature of Suit: CC Employmnt Discrimit 213.111	Court Address: 308 W Kansas INDEPENDENCE, MO 64050

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to:	ROCKWELL AMERICAN MAlias:	MANUFACTURING PR	RIVATE PROCESS	SERVER
PRINIPAL PLACE OF BUSIN 604 W MAIN ST AZLE, TX 76020		1.4	WATE THOOLS	OLIVER
JACKSON COUNTY	and to serve a copy of your pl days after service of this sum	eading upon the attorney for the mons upon you, exclusive of the aken against you for the relief de	your pleading to the petition, copy Plaintiff/Petitioner at the above ac day of service. If you fail to file y manded in this action	ldress all within 30
	Officer's	or Server's Affidavit of Serv	vice	
I certify that: 1. I am authorized to se 2. My official title is	rve process in civil actions withi	n the state or territory where the	above summons was served.	(state).
3. I have served the abo	ove summons by: (check one)		County,	(state).
leaving a copy permanently i	y of the summons and a copy of the summons a	erson of the Defendant's/Respon	or usual abode of the Defendant/R dent's family over the age of 15 ye	
		(name)		(title).
other (describe	e)			(addmass)
in	County,	(state), on	(date) at	(time).
	se of Sheriff or Server Subscribed and Sworn To r I am: (check one)	ne before this (day clerk of the court of which affiar judge of the court of which affiar	Signature of Sheriff or Server (y) (month) It is an officer. It is an officer. It is an officer. It is an officer.	(year)
Service Fees, if applicable			<u> </u>	
Summons \$ Non Est \$ Mileage \$ Total \$		miles @ \$ per mile)		

EXHIBIT A Page 86 of 89

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

EXHIBIT A Page 87 of 89

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

EXHIBIT A Page 88 of 89



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division:	Case Number: 2016-CV01038	
JENNIFER PHILLIPS		
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address:	
MICHAEL HEYSER	THOMAS F RALSTON	
India and in its	4717 GRAND AVE	
	SUITE 250	
vs.	KANSAS CITY, MO 64112	
Defendant/Respondent:	Court Address:	
QUALITY TRAILER PRODUCTS, LP	308 W Kansas	
Nature of Suit:	INDEPENDENCE, MO 64050	
CC Employmnt Discrmntn 213.111		(Date File Star

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: ROCKWELL AMERICAN MANUFACTURING Alias: PRIVATE PROCESS SERVER
PRINIPAL PLACE OF BUSINESS 604 W MAIN ST AZLE, TX 76020
You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintift/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action. Output Date Further Information:
Officer's or Server's Affidavit of Service
I certify that: 1. I am authorized to serve process in civil actions within the state or territory where the above summons was served. 2. My official title is Process Servec of Tarks County, Texas (state). 3. I have served the above summons by: (check one) delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with permanently resides with the defendant/respondent.
(for service on a corporation) delivering a copy of the summons and a copy of the petition to (title).
Served at 100 W. Milin St 1212 (address) in 2014 County, Tex as (state), on 3 5 20 (date) at 9.10 cm (time). Printed Name of Sheriff or Server Subscribed and Sworn To me before this (day) More (month) 2020 (year) the clerk of the court of which affiant is an officer. The county of Sheriff or Server (day) More (month) 2020 (year) the clerk of the court of which affiant is an officer. The pulse of the court of which affiant is an officer. The pulse of the court of which affiant is an officer. The pulse of the court of which affiant is an officer. The pulse of the court of which affiant is an officer.
(use for out-of-state officer) Wy Comm. Expires 07-24-2022 Signature and Title
Service Fees, if applicable Summons \$ Non Est \$
Mileage \$ (miles @ \$ per mile) Total \$ See the following page for directions to clerk and to officer making return on service of summons.

OSCA (8/2018) SM60 (JAKSMOS) For Court Use Only: Document ID# 20-SMOS-184 1 of 2

(2016-CV01038) Rules 54.06, 54.07, 54.14, 54.20; 506.500, 506.510 RSMo

EXHIBIT A Page 89 of 89



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division:	Case Number: 2016-CV01038	
JENNIFER PHILLIPS		
Plaintiff/Petitioner: MICHAEL HEYSER	Plaintiff's/Petitioner's Attorney/Address: THOMAS F RALSTON 4717 GRAND AVE SUITE 250 KANSAS CITY, MO 64112	Transfer and the second states of the second states
Defendant/Respondent: QUALITY TRAILER PRODUCTS, LP Nature of Suit: CC Employment Discrement 213.111	Court Address: 308 W Kansas INDEPENDENCE, MO 64050	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to:	ROCKWELL AMER	ICAN MANUFAC	CTURING	PRIVATE	PROCESS	SERVER
PRINIPAL PLACE OF BUSIN 604 W MAIN ST AZLE, TX 76020						
COURT SEAL OF JACKSON COUNTY	and to serve a copy o days after service of judgment by default	f your pleading upo his summons upon	n the attorney t you, exclusive	for the Plaintiff/Petiti of the day of service	to the petition, copy of ioner at the above addre . If you fail to file you s action Clerk	ess all within 30
	Of	ficer's or Server'	s Affidavit o	f Service		
2. My official title is	rve process in civil action of the summons and a resides with the defendance of the summons and a resides with the defendance.	c one) l a copy of the petiticopy of the petition , a person of the nt/respondent.	of	ndant/Respondent. g place or usual abode Respondent's family	e of the Defendant/Resover the age of 15 year	(state). pondent with s who
<u>Jar</u>	n a corporation) deliveri nes Stubble	ng a copy of the sun	nmons and a co (name)	opy of the petition to		(title).
in Porton	main St	orn To me before the the clerk of the	court of which court of which	signature of She (day) More n affiant is an officer. h affiant is an officer.	riff or Server 202	(address) (m) (time). (year) above summons.
(Seal) My Comm. i	a 94 FCDBS 3165285-2 pires 07-24-2 022 3404008-2888200	(use for out-of	-state officer)	s. (use for court-appo		acore summons.
Service Fees, if applicable Summons \$ Non Est \$			_			
Mileage \$ Total \$			\$ per			
S	ee the following page for	directions to clerk an	d to officer mal	ding return on service	of summons.	

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(2016-CV01038) Rules 54.06, 54.07, 54.14, 54.20; 506.500, 506.510 RSMo